Pamphlet 2

MISSISSIPPI

ADVANCE SHEETS

2022 Legislative Session
General Laws

LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2022

Regular Session

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PREFACE

Contents; publication schedule.

The 2022 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2022 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2022 Regular Session. This pamphlet, the second in the series, contains the second 63 general bills that have become law. The third and fourth pamphlets will contain the remainder of the acts from the 2022 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 2 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2022 Legislative Session.

Any such changes will be reflected in the 2022 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 9443 Springboro Pike, Miamisburg, OH 45342.

May 2022 LexisNexis

Summary of Acts

HB/SB		Page
HB0160	Travel Insurance Act of 2022; create.	1
HB0256	Manufactured and mobile homes; require certain notice to tax collector when relocated to another county.	
HB0400	Riding bailiffs; revise salary of.	
HB0453	Tourism; establish programs for certain assistance, designate "One Mississippi" as contemporary music genre official State Song.	
HB0470	Sales tax; extend repealer on exemption of certain sales to Toughest Kids Foundation for Camp Kamassa in Copiah County.	
HB0530	The "Strategically Accelerating the Recruitment and Retention of Teachers (START) Act of 2022"; create.	
HB0531	Mississippi Tax Freedom Act of 2022; create.	
HB0534	Corrections; extend repealer on intensive supervision program and electronic home detention.	
HB0586	Pilot work release program that authorizes sheriff to assign offenders to while confined in jail; extend repealer on.	
HB0590	Charitable solicitations; revise provisions relating to notice, demand and service of process.	
HB0616	Menaced property; authorize municipalities to secure abandoned or dilapidated buildings on such property.	
HB0660	Gulf Coast Restoration Fund; limitation on assistance for any one project not applicable to certain public entities.	
HB0677	County veteran service officers; revise certain provisions regarding certification.	
HB0679	The Victoria Huggins Mississippi Pill Press Act of 2022; create.	
HB0683	State Parole Board; extend repealer on.	
HB0684	Small Business and Grocer Investment Act; extend repealer on.	
HB0687	Mississippi Debt Management Services Act; extend repealer on.	
HB0732	State Commission on the 9-8-8 Comprehensive Behavioral Health Crisis Response System; create.	
HB0811	Memorial highways; designate in Rankin County, Mississippi.	
HB0821	Nontransport emergency medical services; develop coordinated entity to provide statewide system for.	
HB0881	University-based programs of education for children with developmental disabilities; revise certain provisions.	
HB0906	State offenders serving sentences in county jail; may serve sentences in any county jail.	
HB0918	Alcoholic beverages; authorize issuance of food truck permit, revise distance restrictions for certain locations.	
HB0919	MDOC; require to establish a certain leasing policy with DFA for agricultural equipment.	

HB/SB Page

HB0933 Homeowners' associations; regulate managing agents of and provide certain requirements for.

HB0971 Driver's license; increase time period to renew expired license without examination.

HB0972 Bottom land leasing for oyster production; create a pilot program for.

HB0974 Airport authorities; authorize to provide dependent health insurance coverage as employment benefit.

HB1029 Mississippi Broadband Accessibility Act; create.

HB1035 Velvet hunting season; authorize Commission on Wildlife, Fisheries and Parks to establish.

HB1057 Department of Marine Resources; revise acreage of bottom authorized to be leased by.

HB1065 Nuisance animals; prohibit the transportation, importation and release of wild hogs.

HB1101 Trip optimizer system; provide moratorium on the application of to state agencies.

HB1132 Private food service; authorize Department of Finance and Administration to solicit proposals for certain state properties.

HB1164 Mississippi Development Authority; revise authority regarding implementation of federal State Small Business Credit Initiative Act of 2010.

HB1177 Adjutant General; authorize to convey real property in the best interest of the Mississippi Military Department.

HB1187 Mississippi Insurance E-Commerce Model Act; enact.

HB1214 Carbon dioxide geologic sequestration; revise laws regarding.

HB1222 Line-Item Appropriation Transparency Act; make certain technical amendments to.

HB1328 Mississippi Industries for the Blind; revise authority to enter into certain agreements and contracts.

HB1343 Columbia Training School property; authorize DFA to transfer and convey certain portion of to Marion County Economic Development District.

HB1365 Elections; prohibit state and local officials from soliciting and/or accepting private funds for.

HB1378 Memorial highways; designate in Prentiss County.

HB1388 Comprehensive Career and Technical Reform Act; create.

HB1416 Students in public schools; allow to participate in political activities with certain restrictions.

HB1430 Motor vehicle title; authorize beneficiary designation.

HB1479 Mississippi Department of Corrections Commissioner; revise authority to inflict the death penalty.

HB1510 Elections; revise procedures regarding voter roll maintenance.

HB1691 Income tax; revise certain provisions relating pass-through entities.

HB1769 Eminent domain; prohibit transfer of property acquired by for 10 years after acquisition.

SB2007 Honey; revise definition of for purposes of labeling requirements enforced by the Mississippi Department of Agriculture.

SB2010 Hunting; allow air guns, air bows and pre-charged pneumatic weapons, and authorize special seasons for CWD sample collection.

SB2029 Laws that provide for camps for 4-H Club and that provide for the maintenance of herds at state institutions; repeal.

SB2034 Intestacy; revise provisions for venue.

SB2076 Derelict vessels; provide certain requirements for the removal of.

SB2769 Ad valorem tax; exempt property owned by a university or community college foundation or federally qualified health center.

SB2773 Income tax; extend repealer on credit for certain costs paid by a company in relocating national or regional headquarters to this state.

SB2818 MS Department of Health and MS Department of Revenue; provide certain exemptions for operation required under Medical Cannabis Act.

SB2831 Taxation of Remote and internet-based Computer Software Products and Services Study Committee; create.

SB2841 State Bond Commission; exend reverter on authority to determine appropriate method for the sale of bonds.

SB2846 Mississippi Business Finance Corporation; extend repeal date on authority to issue bonds to finance economic development projects.

SB2885 Partnership between Energy High School Academy and Vicksburg Warren and Claiborne school districts; extend date of repeal on.

SB3150 Bonds; increase amount authorized for Hinds County Development Project Loan Fund, and allow use for additional improvements.

BANKS AND FINANCIAL INSTITUTIONS
Merger or share exchange, approval process. **HB 1360**
BATTERY-CHARGED SECURITY FENCES
Electronic protection licensing. **HB 823**
CANNABIS
Medical cannabis act, enactment and conforming changes to other laws. **SB 2095**
CHILD SUPPORT
For award of support, imputation of income based on standard amount in lieu of fact-gathering is prohibited. **HB 1067**
COLE'S LAW
Discrimination against recipients of anatomical gifts based on disability is prohibited. **HB 20**
CONGRESSIONAL DISTRICTS
Reapportionment. **HB 384**
DISABILITIES, INDIVIDUALS WITH
Discrimination against recipients of anatomical gifts based on disability is prohibited. **HB 20**
License plates for disabled veterans. disability rating applicable. **HB 192**
ELECTIONS
Election commissioners, when skills assessments are required to be taken. **HB 1331**
EMPLOYMENT SECURITY DEPARTMENT
Minimum requirements of department regarding fraud prevention, detection and recovery. **HB 720**
FENTANYL
Schedules of controlled substances revised to add fentanyl-related substances. **HB 232**
FIRE PROTECTION DISTRICTS
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INCOME TAX
COVID-19, tax treatment of amounts received or expended under grant or loan programs created due to. **HB 1529**
LICENSE TAGS OR PLATES
Disabled veterans, disability rating applicable. **HB 192**
MEDICAL CANNABIS ACT
Enactment and conforming changes to other laws. **SB 2095**

PRISONS AND PRISONERS
Inmate incentive to work program and fund. **HB 920**
REAL ESTATE BROKERS AND SALESPERSONS
Disciplinary actions, administrative hearings process. **SB 2097**
SCHOOLS AND EDUCATION
Critical race theory and other race-related concepts, prohibitions regarding. **SB 2113**
TALLAHATCHIE RIVER AUTHORITY
Creation of authority. **HB 1323**

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
3-3-65	Added		HB 453	5	2
9-11-27	Amended		HB 1017	1	1
11-27-30	Added		HB 1769	1	2
17-1-3	Brought forward		SB 2095	36	1
17-17-3	Amended		HB 1135	1	1
17-17-205	Brought forward		HB 1135	2	1
17-17-305	Brought forward		HB 1135	3	1
19-5-9	Brought forward		SB 2095	37	1
19-5-177	Amended		HB 1098	1	1
19-5-195	Amended		HB 1098	2	1
19-25-31	Amended		HB 400	1	2
21-1-49	Amended		HB 821	3	2
21-8-7	Amended		HB 1341	1	1
21-19-11	Amended		HB 616	1	2
23-15-5	Amended		HB 1510	2	2
23-15-15	Amended		HB 1510	1	2
23-15-1037	Amended		HB 384	1	1
23-15-1038	Added		HB 384	3	1
23-15-211	Amended		HB 1331	2	1
23-15-213	Amended		HB 1331	1	1
23-15-269	Added		HB 1365	1	2
25-3-13	Amended		SB 2719	1	1
25-3-41	Amended		HB 1101	1	2
25-9-107	Amended		SB 2818	1	2
25-11-121	Amended		HB 252	1	1
25-15-103	Amended		HB 843	1	1
25-43-1.103	Brought forward		SB 2095	38	1
25-43-1.103	Amended		SB 2818	2	2
25-43-2.101	Brought forward		SB 2095	39	1
25-43-3.102	Brought forward		SB 2095	40	1
25-43-3.103	Brought forward		SB 2095	41	1
25-43-3.104	Brought forward		SB 2095	42	1
25-43-3.105	Brought forward		SB 2095	43	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-43-3.106	Brought forward		SB 2095	44	1
25-43-3.107	Brought forward		SB 2095	45	1
25-43-3.108	Amended		SB 2095	46	1
25-43-3.109	Brought forward		SB 2095	47	1
25-43-3.110	Brought forward		SB 2095	48	1
25-43-3.113	Brought forward		SB 2095	49	1
25-53-1	Amended		SB 2818	3	2
25-53-5	Amended		SB 2095	34	1
25-53-5	Amended		SB 2818	4	2
27-7-5	Amended		HB 531	2	2
27-7-15	Amended		HB 1529	1	1
27-7-17	Amended		HB 1529	2	1
27-7-17	Amended		SB 2095	50	1
27-7-22.3	Reenacted		SB 2846	25	2
27-7-22.30	Amended		SB 2095	76	1
27-7-22.5	Amended		SB 2095	75	1
27-7-25	Amended		HB 1691	2	2
27-7-26	Added		HB 1691	1	2
27-8-7	Amended		HB 1691	3	2
27-19-53	Amended		HB 192	1	1
27-31-1	Amended		SB 2769	1	2
27-31-51	Amended		SB 2095	77	1
27-31-53	Amended		SB 2095	78	1
27-31-101	Amended		SB 2095	79	1
27-31-104	Amended		SB 2095	80	1
27-53-5	Amended		HB 256	1	2
27-53-29	Brought forward		HB 256	2	2
27-65-17	Amended		SB 2095	81	1
27-65-101	Amended		SB 2095	82	1
27-65-111	Amended		HB 470	1	2
27-65-111	Amended		SB 2095	51	1
27-71-5	Amended		HB 918	2	2
27-72-1	Added		SB 2095	29	1
27-104-7	Amended		SB 2818	5	2
27-104-203	Amended		SB 2095	35	1
27-104-351	Amended		HB 1222	1	2
29-1-37	Amended		HB 1131	1	1
29-1-74	Amended		SB 2004	1	1
29-5-2	Amended		HB 1132	1	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
31-7-13	Amended		SB 2806	1	1
31-7-13	Amended		SB 2818	6	2
31-8-3	Amended		HB 1097	1	1
33-11-1	Amended		HB 1177	1	2
33-13-520	Amended		SB 2095	52	1
35-3-21	Amended		HB 677	1	2
37-3-2	Amended		HB 1388	8	2
37-11-29	Amended		SB 2095	53	1
37-11-77	Added		HB 1416	1	2
37-11-79	Added		HB 1416	2	2
37-11-81	Added		HB 1416	3	2
37-13-2	Added		SB 2113	1	1
37-16-3	Amended		HB 1388	9	2
37-16-17	Amended		HB 1388	10	2
37-17-6	Amended		HB 1388	7	2
37-19-7	Amended		HB 530	1	2
37-21-7	Amended		HB 530	2	2
37-23-31	Amended		HB 881	1	2
37-23-33	Amended		HB 881	2	2
37-23-35	Amended		HB 881	3	2
37-43-1	Brought forward		SB 2431	6	1
37-43-2	Brought forward		SB 2431	7	1
37-43-17	Brought forward		SB 2431	8	1
37-43-19	Brought forward		SB 2431	9	1
37-43-21	Amended		SB 2431	1	1
37-43-23	Amended		SB 2431	2	1
37-43-24	Brought forward		SB 2431	10	1
37-43-25	Brought forward		SB 2431	11	1
37-43-27	Brought forward		SB 2431	12	1
37-43-29	Brought forward		SB 2431	13	1
37-43-31	Amended		SB 2431	3	1
37-43-33	Amended		SB 2431	4	1
37-43-37	Repealed		SB 2431	21	1
37-43-39	Brought forward		SB 2431	14	1
37-43-41	Brought forward		SB 2431	15	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
37-43-43	Brought forward		SB 2431	16	1
37-43-45	Brought forward		SB 2431	17	1
37-43-47	Brought forward		SB 2431	18	1
37-43-49	Repealed		SB 2431	22	1
37-43-51	Brought forward		SB 2431	19	1
37-43-53	Repealed		SB 2431	23	1
37-43-55	Repealed		SB 2431	24	1
37-43-57	Brought forward		SB 2431	20	1
37-43-59	Amended		SB 2431	5	1
37-69-1	Reenacted		SB 2885	1	2
37-69-3	Reenacted		SB 2885	2	2
37-69-5	Reenacted		SB 2885	3	2
37-69-7	Reenacted		SB 2885	4	2
37-73-1	Added		HB 1388	1	2
37-73-3	Added		HB 1388	2	2
37-73-5	Added		HB 1388	3	2
37-73-7	Added		HB 1388	4	2
37-101-15	Amended		HB 475	1	1
37-113-29	Repealed		SB 2029	1	2
37-113-31	Repealed		SB 2029	2	2
37-133-33	Repealed		SB 2029	3	2
37-133-37	Repealed		SB 2029	4	2
37-148-3	Amended		SB 2095	83	1
37-153-19	Added		HB 1388	6	2
41-3-15	Brought forward		SB 2095	54	1
41-9-351	Added		HB 365	1	1
41-20-51	Added		HB 732	1	2
41-20-53	Added		HB 732	2	2
41-21-201	Amended		HB 927	1	1
41-21-203	Amended		HB 927	2	1
41-29-113	Amended		HB 232	1	1
41-29-115	Amended		HB 232	2	1
41-29-119	Amended		HB 232	3	1
41-29-121	Amended		HB 232	4	1
41-29-125	Amended		SB 2095	55	1
41-29-127	Amended		SB 2095	56	1
41-29-136	Amended		SB 2095	57	1
41-29-137	Amended		HB 232	5	1
41-29-137	Amended		SB 2095	58	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-29-139	Amended		SB 2095	59	1
41-29-141	Amended		SB 2095	60	1
41-29-143	Amended		SB 2095	61	1
41-29-315	Added		HB 679	1	2
41-59-3	Amended		HB 821	1	2
41-59-35	Amended		HB 821	2	2
41-137-1	Added		SB 2095	1	1
41-137-3	Added		SB 2095	2	1
41-137-5	Added		SB 2095	3	1
41-137-7	Added		SB 2095	4	1
41-137-9	Added		SB 2095	5	1
41-137-11	Added		SB 2095	6	1
41-137-13	Added		SB 2095	7	1
41-137-15	Added		SB 2095	8	1
41-137-17	Added		SB 2095	9	1
41-137-19	Added		SB 2095	10	1
41-137-21	Added		SB 2095	11	1
41-137-23	Added		SB 2095	12	1
41-137-25	Added		SB 2095	13	1
41-137-27	Added		SB 2095	14	1
41-137-29	Added		SB 2095	15	1
41-137-31	Added		SB 2095	16	1
41-137-33	Added		SB 2095	17	1
41-137-35	Added		SB 2095	18	1
41-137-37	Added		SB 2095	19	1
41-137-39	Added		SB 2095	20	1
41-137-41	Added		SB 2095	21	1
41-137-43	Added		SB 2095	22	1
41-137-45	Added		SB 2095	23	1
41-137-47	Added		SB 2095	24	1
41-137-49	Added		SB 2095	25	1
41-137-51	Added		SB 2095	26	1
41-137-53	Added		SB 2095	27	1
41-137-55	Added		SB 2095	28	1
41-137-57	Added		SB 2095	30	1
41-137-59	Added		SB 2095	31	1
41-137-61	Added		SB 2095	32	1
41-137-63	Added		SB 2095	33	1
41-137-65	Added		SB 2818	9	2
43-3-101	Amended		HB 1328	1	2
43-6-251	Added		HB 20	1	1
43-6-253	Added		HB 20	2	1
43-6-255	Added		HB 20	3	1
43-6-257	Added		HB 20	4	1
43-6-259	Added		HB 20	5	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
43-6-261	Added		HB 20	6	1
43-6-263	Added		HB 20	7	1
43-13-407	Amended		HB 492	1	1
43-19-101	Amended		HB 1067	1	1
43-21-301	Amended		SB 2095	62	1
43-21-303	Amended		SB 2095	63	1
43-27-39	Amended		HB 1343	2	2
43-30-51	Added		HB 1056	1	1
45-2-1	Amended		HB 779	1	1
45-9-101	Amended		SB 2095	64	1
45-27-7	Amended		SB 2818	7	2
45-27-12	Amended		SB 2818	8	2
45-35-17	Added		HB 971	2	2
47-5-1001	Reenacted		HB 534	1	1
47-5-1003	Reenacted		HB 534	2	1
47-5-1005	Reenacted		HB 534	3	1
47-5-1007	Reenacted		HB 534	4	1
47-5-1009	Reenacted		HB 534	5	1
47-5-1011	Reenacted		HB 534	6	1
47-5-1013	Reenacted		HB 534	7	1
47-5-1014	Reenacted		HB 534	8	1
47-5-1015	Amended		HB 534	9	1
47-5-357	Amended		HB 919	1	2
47-5-371	Added		HB 920	1	1
47-5-451.1	Added		HB 586	1	2
47-5-701	Reenacted		HB 515	1	1
47-5-703	Reenacted		HB 515	2	1
47-5-705	Reenacted		HB 515	3	1
47-5-707	Reenacted		HB 515	4	1
47-5-709	Reenacted		HB 515	5	1
47-5-711	Reenacted		HB 515	6	1
47-5-713	Reenacted		HB 515	7	1
47-5-715	Reenacted		HB 515	8	1
47-5-717	Reenacted		HB 515	9	1
47-5-719	Reenacted		HB 515	10	1
47-5-721	Reenacted		HB 515	11	1
47-5-723	Reenacted		HB 515	12	1
47-5-725	Reenacted		HB 515	13	1
47-5-727	Reenacted		HB 515	14	1
47-5-729	Reenacted		HB 515	15	1
47-5-731	Amended		HB 515	16	1
47-5-903	Amended		HB 906	1	2
47-5-940	Amended		HB 514	1	1
47-7-5	Amended		HB 683	1	2
47-7-49	Amended		HB 689	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
49-7-31	Amended		HB 1035	2	2
49-7-31.5	Amended		HB 1065	1	2
49-7-31.6	Added		HB 1035	1	2
49-7-37	Amended		SB 2010	1	2
49-7-140	Amended		HB 1065	2	2
49-15-27	Amended		HB 1057	1	2
49-15-28	Amended		HB 1130	1	1
49-15-36	Amended		HB 972	2	2
49-15-40.1	Added		HB 972	1	2
49-27-71	Amended		SB 2076	1	2
51-26-1	Added		HB 1323	1	1
51-26-3	Added		HB 1323	2	1
51-26-5	Added		HB 1323	3	1
53-11-3	Amended		HB 1214	1	2
53-11-5	Amended		HB 1214	2	2
53-11-9	Amended		HB 1214	3	2
53-11-11	Amended		HB 1214	4	2
53-11-31	Amended		HB 1214	5	2
57-1-16	Amended		SB 2095	84	1
57-1-64	Amended		HB 1093	2	1
57-1-64.05	Added		HB 1093	1	1
57-1-221	Amended		SB 2095	85	1
57-1-303	Amended		HB 483	1	1
57-10-401	Amended		SB 2095	86	1
57-10-401	Reenacted		SB 2846	1	2
57-10-403	Reenacted		SB 2846	2	2
57-10-405	Reenacted		SB 2846	3	2
57-10-407	Reenacted		SB 2846	4	2
57-10-409	Reenacted		SB 2846	5	2
57-10-411	Reenacted		SB 2846	6	2
57-10-413	Reenacted		SB 2846	7	2
57-10-415	Reenacted		SB 2846	8	2
57-10-417	Reenacted		SB 2846	9	2
57-10-419	Reenacted		SB 2846	10	2
57-10-421	Reenacted		SB 2846	11	2
57-10-423	Reenacted		SB 2846	12	2
57-10-425	Reenacted		SB 2846	13	2
57-10-427	Reenacted		SB 2846	14	2
57-10-429	Reenacted		SB 2846	15	2
57-10-431	Reenacted		SB 2846	16	2
57-10-433	Reenacted		SB 2846	17	2
57-10-435	Reenacted		SB 2846	18	2
57-10-437	Reenacted		SB 2846	19	2
57-10-439	Reenacted		SB 2846	20	2
57-10-441	Reenacted		SB 2846	21	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
57-10-443	Reenacted		SB 2846	22	2
57-10-445	Reenacted		SB 2846	23	2
57-10-447	Reenacted		SB 2846	24	2
57-10-449	Amended		SB 2846	26	2
57-10-601	Amended		HB 1164	1	2
57-10-701	Reenacted		HB 684	1	2
57-10-703	Reenacted		HB 684	2	2
57-10-705	Reenacted		HB 684	3	2
57-10-707	Reenacted		HB 684	4	2
57-10-709	Reenacted		HB 684	5	2
57-10-711	Amended		HB 684	6	2
57-61-5	Amended		SB 2095	87	1
57-62-5	Amended		SB 2095	88	1
57-69-3	Amended		SB 2095	89	1
57-71-5	Amended		SB 2095	90	1
57-73-21	Amended		SB 2095	91	1
57-73-21	Amended		SB 2773	1	2
57-75-15	Amended		SB 2841	1	2
57-80-5	Amended		SB 2095	92	1
57-85-5	Amended		SB 2095	93	1
57-91-5	Amended		SB 2095	94	1
57-117-3	Amended		SB 2095	95	1
57-119-11	Amended		SB 2095	96	1
57-121-7	Amended		HB 1529	3	1
57-123-4	Added		HB 453	2	2
57-123-7	Added		HB 453	3	2
57-123-9	Added		HB 453	4	2
59-23-7	Amended		SB 2095	65	1
61-3-15	Amended		HB 974	1	2
63-1-49	Amended		HB 971	1	2
63-1-208	Amended		HB 1486	1	1
63-1-216	Amended		HB 971	3	2
63-3-519	Amended		HB 567	1	1
63-5-33	Amended		HB 1485	1	1
63-11-30	Amended		SB 2095	66	1
63-21-251	Added		HB 1430	1	2
63-21-253	Added		HB 1430	2	2
63-21-255	Added		HB 1430	3	2
63-21-257	Added		HB 1430	4	2
63-21-259	Added		HB 1430	5	2
63-21-261	Added		HB 1430	6	2
63-31-3	Amended		HB 158	1	1
65-3-71.320	Amended		SB 2481	5	1
65-3-71.337	Added		HB 503	1	1
65-3-71.338	Added		HB 504	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
65-3-71.339	Added		HB 505	1	1
65-3-71.340	Added		HB 990	1	1
65-3-71.341	Added		HB 1002	1	1
65-3-71.342	Added		HB 1113	1	1
65-3-71.343	Added		SB 2481	1	1
65-3-71.344	Added		SB 2481	2	1
65-3-71.345	Added		SB 2481	3	1
65-3-71.346	Added		SB 2481	4	1
65-3-71.347	Added		SB 2520	1	1
65-3-71.348	Added		HB 1378	1	2
65-3-71.349	Added		HB 811	1	2
65-3-71.350	Added		HB 811	2	2
65-4-5	Amended		SB 2095	97	1
65-21-1	Amended		HB 1073	1	1
67-1-51	Amended		HB 918	1	2
69-2-11	Amended		SB 2095	98	1
69-2-13	Amended		SB 2095	99	1
71-3-7	Amended		SB 2095	67	1
71-3-121	Amended		SB 2095	68	1
71-5-147	Added		HB 720	1	1
73-15-29	Amended		SB 2095	69	1
73-19-23	Amended		SB 2095	70	1
73-21-127	Amended		SB 2095	71	1
73-25-29	Amended		SB 2095	72	1
73-30-3	Amended		HB 1056	2	1
73-30-5	Amended		HB 1056	3	1
73-30-7	Amended		HB 1056	4	1
73-30-9	Amended		HB 1056	5	1
73-30-21	Amended		HB 1056	6	1
73-30-23	Amended		HB 1056	7	1
73-30-29	Amended		HB 1056	8	1
73-34-103	Amended		SB 2039	1	1
73-35-21	Amended		SB 2097	3	1
73-35-23	Amended		SB 2097	1	1
73-35-25	Amended		SB 2097	2	1
73-38-3	Amended		HB 424	2	1
73-38-5	Amended		HB 424	3	1
73-38-7	Amended		HB 424	4	1
73-38-9	Amended		HB 424	5	1
73-38-13	Brought forward		HB 424	6	1
73-38-17	Amended		HB 424	7	1
73-38-25	Amended		HB 424	8	1
73-38-27	Amended		HB 424	9	1
73-38-29	Amended		HB 424	10	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-38-31	Amended		HB 424	11	1
73-38-33	Brought forward		HB 424	12	1
73-38-51	Added		HB 424	1	1
73-69-5	Amended		HB 823	1	1
73-69-27	Amended		HB 823	2	1
73-153-15	Amended		HB 1388	5	2
75-29-601	Amended		SB 2007	1	2
75-29-603	Amended		SB 2007	2	2
77-19-1	Added		HB 1029	1	2
77-19-3	Added		HB 1029	2	2
77-19-5	Added		HB 1029	3	2
77-19-7	Added		HB 1029	4	2
77-19-9	Added		HB 1029	5	2
77-19-11	Added		HB 1029	6	2
77-19-13	Added		HB 1029	7	2
77-19-15	Added		HB 1029	8	2
77-19-17	Added		HB 1029	9	2
79-11-501	Amended		HB 590	1	2
79-11-511	Amended		HB 590	2	2
79-11-751	Amended		HB 933	1	2
79-11-753	Amended		HB 933	2	2
79-11-755	Brought forward		HB 933	6	2
79-11-757	Amended		HB 933	3	2
79-11-759	Amended		HB 933	4	2
79-11-761	Added		HB 933	5	2
81-1-81	Amended		SB 2018	1	1
81-5-85	Amended		HB 1360	1	1
81-5-97	Amended		HB 1360	2	1
81-22-1	Reenacted		HB 687	1	1
81-22-3	Reenacted		HB 687	2	1
81-22-5	Reenacted		HB 687	3	1
81-22-7	Reenacted		HB 687	4	1
81-22-9	Reenacted		HB 687	5	1
81-22-11	Reenacted		HB 687	6	1
81-22-13	Reenacted		HB 687	7	1
81-22-15	Reenacted		HB 687	8	1
81-22-17	Reenacted		HB 687	9	1
81-22-19	Reenacted		HB 687	10	1
81-22-21	Reenacted		HB 687	11	1
81-22-23	Reenacted		HB 687	12	1
81-22-25	Reenacted		HB 687	13	1
81-22-27	Reenacted		HB 687	14	1
81-22-28	Reenacted		HB 687	15	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
81-22-31	Amended		HB 687	16	1
83-5-851	Added		HB 1187	1	2
83-5-853	Added		HB 1187	2	2
83-5-855	Added		HB 1187	3	2
83-5-857	Added		HB 1187	4	2
83-5-859	Added		HB 1187	5	2
83-5-861	Added		HB 1187	6	2
83-5-863	Added		HB 1187	7	2
83-5-865	Added		HB 1187	8	2
83-5-867	Added		HB 1187	9	2
83-5-869	Added		HB 1187	10	2
83-5-871	Added		HB 1187	11	2
83-5-873	Added		HB 1187	12	2
83-5-875	Added		HB 1187	13	2
83-5-879	Added		HB 1187	14	2
83-9-22	Amended		SB 2095	73	1
83-83-1	Amended		HB 160	1	2
83-83-2	Added		HB 160	2	2
83-83-3	Amended		HB 160	3	2
83-83-5	Amended		HB 160	4	2
83-83-6	Added		HB 160	5	2
83-83-8	Added		HB 160	6	2
83-83-9	Amended		HB 160	7	2
83-83-10	Added		HB 160	8	2
83-83-13	Amended		HB 160	9	2
83-83-15	Added		HB 160	10	2
91-7-63	Amended		SB 2034	1	2
99-19-51	Amended		HB 1479	1	2
99-19-53	Amended		HB 1479	2	2
99-19-55	Amended		HB 1479	3	2

Mississippi Legislature
2022 Regular Session

House Bill 160

Description: Travel Insurance Act of 2022; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/04	(H) Referred To Insurance
2	01/31	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/11	(S) Referred To Insurance
7	02/28	(S) Title Suff Do Pass
8	03/08	(S) Passed {Vote}
9	03/09	(S) Returned For Enrolling
10	03/14	(H) Enrolled Bill Signed
11	03/15	(S) Enrolled Bill Signed
12	03/22	Approved by Governor

Code Section: A 083-0083-0001, A 083-0083-0003, A 083-0083-0005, A 083-0083-0009, A 083-0083-0013

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Zuber

Title: AN ACT TO BE KNOWN AS THE "TRAVEL INSURANCE ACT OF 2022" WHICH REVISES THE "LIMITED LINES TRAVEL INSURANCE ACT"; TO AMEND SECTION 83-83-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE NAME OF THE ACT; TO CREATE NEW SECTION 83-83-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THE SCOPE AND PURPOSES OF THE ACT; TO AMEND SECTION 83-83-3, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 83-83-5, MISSISSIPPI CODE OF 1972, TO UPDATE THE REQUIREMENTS OF LIMITED LINES TRAVEL INSURANCE PRODUCERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-6, MISSISSIPPI CODE

OF 1972, TO CLARIFY THE PREMIUM TAX REQUIREMENTS OF TRAVEL INSURERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-8, MISSISSIPPI CODE OF 1972, TO SET FORTH HOW TRAVEL PROTECTION PLANS MAY BE SOLD IN THIS STATE; TO AMEND SECTION 83-83-9, MISSISSIPPI CODE OF 1972, TO UPDATE THE POLICIES UNDER THE ACT; TO CREATE NEW SECTION 83-83-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THE REQUIREMENTS FOR TRAVEL ADMINISTRATORS UNDER THE ACT; TO AMEND SECTION 83-83-13, MISSISSIPPI CODE OF 1972, TO CLARIFY PERMISSIBLE SALES PRACTICES UNDER THE ACT; TO CREATE NEW SECTION 83-83-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Zuber To: Insurance

HOUSE BILL NO. 160

AN ACT TO BE KNOWN AS THE "TRAVEL INSURANCE ACT OF 2022" WHICH REVISES THE "LIMITED LINES TRAVEL INSURANCE ACT"; TO AMEND SECTION 83-83-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE NAME OF THE ACT; TO CREATE NEW SECTION 83-83-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THE SCOPE AND PURPOSES OF THE ACT; TO AMEND SECTION 83-83-3, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 83-83-5, MISSISSIPPI CODE OF 1972, TO UPDATE THE REQUIREMENTS OF LIMITED LINES TRAVEL INSURANCE PRODUCERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-6, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PREMIUM TAX REQUIREMENTS OF TRAVEL INSURERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-8, MISSISSIPPI CODE OF 1972, TO SET FORTH HOW TRAVEL PROTECTION PLANS MAY BE SOLD IN THIS STATE; TO AMEND SECTION 83-83-9, MISSISSIPPI CODE OF 1972, TO UPDATE THE POLICIES UNDER THE ACT; TO CREATE NEW SECTION 83-83-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THE REQUIREMENTS FOR TRAVEL ADMINISTRATORS UNDER THE ACT; TO AMEND SECTION 83-83-13, MISSISSIPPI CODE OF 1972, TO CLARIFY PERMISSIBLE SALES PRACTICES UNDER THE ACT; TO CREATE NEW SECTION 83-83-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-83-1, Mississippi Code of 1972, is amended as follows:

83-83-1. This chapter shall be known as the " * * *Travel Insurance Act."

SECTION 2. The following shall be codified as Section 83-83-2, Mississippi Code of 1972:

83-83-2. **Scope and purposes.** (1) The purpose of this chapter is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in this state.

(2) The requirements of this chapter shall apply to travel insurance which covers any resident of this state, sold, solicited, negotiated, or offered in this state and where policies and certificates are delivered or issued for delivery in this state. It shall not apply to cancellation fee waivers and travel assistance services, except as expressly provided herein.

(3) All other applicable provisions of this state's insurance laws shall continue to apply to travel insurance, except that the specific provisions of this chapter shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

SECTION 3. Section 83-83-3, Mississippi Code of 1972, is amended as follows:

83-83-3. As used in this chapter, unless the context otherwise requires:

(a) "Aggregator site" means a website that provides access to information regarding insurance products from more than one (1) insurer, including product and insurer information, for use in comparison shopping.

(b) "Blanket travel insurance" means a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.

(c) "Cancellation fee waiver" means a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.

(* * *d) "Commissioner" means the Commissioner of Insurance for the State of Mississippi.

(e) "Eligible group" means, solely for the purposes of travel insurance, two (2) or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including, but not limited to, any of the following:

(i) Any entity engaged in the business of providing travel or travel services, including, but not limited to: tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers or the operator, owner, or lessor of a means of transportation of passengers, including, but not limited to, airlines, cruise lines,

railroads, steamship companies, and public bus carriers, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group must have a common exposure to risk attendant to such travel;

(ii) Any college, school, or other institution of learning covering students, teachers or employees or volunteers;

(iii) Any employer covering any group of employees, volunteers, contractors, board of directors, dependents or guests;

(iv) Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors or volunteers;

(v) Any religious, charitable, recreational, educational, or civic organization or branch thereof covering any group of members, participants or volunteers;

(vi) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors or purchasers;

(vii) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(viii) Any trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers, subject to the commissioner's permitting the use of a trust and the state's premium tax provisions in Section 83-83-6 of one or more associations meeting the above requirements of subparagraph (vii) of this paragraph (e);

(ix) Any entertainment production company covering any group of participants, volunteers, audience members, contestants or workers;

(x) Any volunteer fire department, ambulance, rescue, police, court or any first aid, civil defense or other such volunteer group;

(xi) Preschools, daycare institutions for children or adults, and senior citizen clubs;

(xii) Any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies; or

(xiii) Any other group where the commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship,

and that issuance of the policy would not be contrary to the public interest.

(f) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details.

(g) "Group travel insurance" means travel insurance issued to any eligible group.

(* * *h) "Limited lines travel insurance producer" means a:

(i) Licensed managing general agent or third-party administrator; * * *

(ii) Licensed insurance producer, including a limited lines producer designated by an insurer as the travel insurance supervising entity as set forth in Section 83-83-11 * * *; or

(iii) Travel administrator.

(* * *i) "Offer and disseminate" means providing general information, including a description of the coverage and price, as well as processing the application * * * and collecting premiums, and performing other nonlicensable activities permitted by the state.

(j) "Primary certificate holder," specific to Section 83-83-6, means an individual person who elects and purchases travel insurance under a group policy.

(k) "Primary policyholder," specific to Section 83-83-6, means an individual person who elects and purchases individual travel insurance.

(l) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in connection with travel insurance, except that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are among the following:

(i) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(ii) An insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(iii) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this chapter;

(iv) An individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(v) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer.

(m) "Travel assistance services" means noninsurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in the transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to: security advisories; destination information; vaccination and immunization information services; travel reservation services; entertainment; activity and event planning; translation assistance; emergency messaging; international legal and medical referrals; medical case monitoring; coordination of transportation arrangements; emergency cash transfer assistance; medical prescription replacement assistance; passport and travel document replacement assistance; lost luggage assistance; concierge services; and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance.

(* * *n) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including, but not limited to:

(i) Interruption or cancellation of trip or event;

(ii) Loss of baggage or personal effects;

(iii) Damages to accommodations or rental vehicles; * * *

(iv) Sickness, accident, disability or death occurring during travel * * *;

(v) Emergency evacuation;

(vi) Repatriation of remains; or

(vii) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

Travel insurance does not include major medical plans * * * that provide comprehensive medical protection for travelers with trips lasting longer than six (6) months * * *, including, for example, those working or residing overseas as an * * * expatriate or military personnel being deployed, or any other product that requires a specific insurance producer license.

(o) "Travel protection plans" means plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.

(* * *p) "Travel retailer" means a business entity that makes, arranges, or offers planned travel * * * and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

SECTION 4. Section 83-83-5, Mississippi Code of 1972, is amended as follows:

83-83-5. Notwithstanding any other provision of law:

(a) The commissioner may issue to an individual or business entity that has filed with the commissioner an application for such limited license in a form and manner prescribed by the commissioner, a limited lines travel insurance producer license which authorizes the limited lines travel insurance producer to sell, solicit or negotiate travel insurance through a licensed insurer. No person may act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively.

(b) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity ("licensed business entity") license only if the following conditions are met:

(i) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

1. A description of the material terms or the actual material terms of the insurance coverage;

2. A description of the process for filing a claim;

3. A description of the review or cancellation process for the travel insurance policy; and

4. The identity and contact information of the insurer and limited lines travel insurance producer.

(ii) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the commissioner of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated by the limited lines travel insurance producer and shall include the name, address and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register to the Department of Insurance upon reasonable request. The limited lines travel insurance producer shall also certify that the travel retailer registered complies with 18 USC 1033. The grounds for the suspension, revocation, and the penalties applicable to resident insurance producers shall be applicable to the limited lines travel insurance producers and travel retailers.

(iii) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as the person (a "designated responsible producer" or "DRP") responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules and regulations of the state.

(iv) The DRP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.

(v) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in applicable state law.

(vi) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review and approval by the commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(vii) Limited lines travel insurance producers, and those registered under their license, are exempt from the examination requirements and the continuing education requirements of Chapter 17 of Title 83, Mississippi Code of 1972.

(c) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that have been approved by

the travel insurer. Such materials shall include information which, at a minimum:

(i) Provides the identity and contact information of the insurer and the limited lines travel insurance producer;

(ii) Explains that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(iii) Explains that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage * * *.

(d) A travel retailer's employee or authorized representative, who is not licensed as an insurance producer, may not:

(i) Evaluate or interpret the technical terms, benefits and conditions of the offered travel insurance coverage;

(ii) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(iii) Hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

(e) Any person licensed in a major line of authority as an insurance producer is authorized to sell, solicit and negotiate

travel insurance. A property and casualty insurance producer is not required to become appointed by an insurer in order to sell, solicit or negotiate travel insurance.

SECTION 5. The following shall be codified as Section 83-83-6, Mississippi Code of 1972:

83-83-6. **Premium tax.** (1) A travel insurer shall pay premium tax, as provided in Section 27-15-103 or Section 27-15-109, on travel insurance premiums paid by any of the following:

(a) An individual primary policyholder who is a resident of this state;

(b) A primary certificate holder who is a resident of this state who elects coverage under a group travel insurance policy; or

(c) A blanket travel insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in, this state for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permits the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(2) A travel insurer shall:

(a) Document the state of residence or principal place of business of the policyholder or certificate holder, as required in subsection (1) of this section; and

(b) Report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

SECTION 6. The following shall be codified as Section 83-83-8, Mississippi Code of 1972:

83-83-8. **Travel protection plans.** Travel protection plans may be offered for one (1) price for the combined features that the travel protection plan offers in this state if:

(a) The travel protection plan clearly discloses to the consumer at or prior to the time of purchase that it includes travel insurance, travel assistance services, and cancellation fee waivers as applicable, and provides information and an opportunity at or prior to the time of purchase for the consumer to obtain additional information regarding the features and pricing of each; and

(b) The fulfillment materials:

(i) Describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and

(ii) Include the travel insurance disclosures and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

SECTION 7. Section 83-83-9, Mississippi Code of 1972, is amended as follows:

83-83-9. (1) Notwithstanding any other provision of this title, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance; provided, however, that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed by an authorized insurer under either an accident and health line of insurance or an inland marine line of insurance.

(2) Travel insurance may be provided under an individual * * * group or * * * blanket policy.

(3) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided those standards also meet the state's underwriting standards for inland marine.

SECTION 8. The following shall be codified as Section 83-83-10, Mississippi Code of 1972:

83-83-10. **Travel administrator.** (1) Notwithstanding any other provisions of this title, no person shall act or represent

itself as a travel administrator for travel insurance in this state unless that person:

(a) Is a licensed property and casualty insurance producer in this state for activities permitted under that producer license;

(b) Holds a valid managing general agent ("MGA") license in this state; or

(c) Holds a valid third-party administrator ("TPA") license in this state.

(2) A travel administrator and its employees are exempt from the licensing requirements of Section 83-17-401 et seq. for travel insurance it administers.

(3) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

SECTION 9. Section 83-83-13, Mississippi Code of 1972, is amended as follows:

83-83-13. **Sales practices.** (1) The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license shall be subject to the provisions of Sections 83-5-29 through 83-5-51 and Section 83-17-71, except as

otherwise provided in this section. In the event of a conflict between this chapter and other provisions of this title regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this chapter shall control.

(2) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under Sections 83-5-29 through 83-5-51.

(3) (a) All documents provided to consumers prior to the purchase of travel insurance, including, but not limited to, sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including, but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(b) For travel insurance policies or certificates that contain preexisting condition exclusions, information and an opportunity to learn more about the preexisting condition exclusions shall be provided any time prior to the time of purchase, and in the coverage's fulfillment materials.

(c) The fulfillment materials and the information described in Section 83-83-5(b)(i)1 through 4 shall be provided to a policyholder or certificate holder as soon as practicable following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate

holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(i) Fifteen (15) days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(ii) Ten (10) days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail.

For the purposes of this section, delivery means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(d) The company shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage.

(e) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

(4) No person offering, soliciting, or negotiating travel insurance or travel protection plans on an individual or group

basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage such as unchecking a box on an electronic form when the consumer purchases a trip.

(5) It shall be an unfair trade practice to market blanket travel insurance coverage as free.

(6) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

(a) Purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(b) Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

SECTION 10. The following shall be codified as Section 83-83-15, Mississippi Code of 1972:

83-83-15. **Regulations.** The Commissioner of Insurance may promulgate regulations to implement the provisions of this chapter.

SECTION 11. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 256

Description: Manufactured and mobile homes; require certain notice to tax collector when relocated to another county.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/04	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	03/01	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Concurred in Amend From Senate {Vote}
11	03/21	(H) Enrolled Bill Signed
12	03/21	(S) Enrolled Bill Signed
13	03/26	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 256

Code Section: A 027-0053-0005, BF 027-0053-0029

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Morgan

Title: AN ACT TO AMEND SECTION 27-53-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MANUFACTURED HOME OR MOBILE HOME IS RELOCATED FROM ONE COUNTY TO ANOTHER COUNTY, THEN THE OWNER OF THE MANUFACTURED HOME OR MOBILE HOME SHALL

PROVIDE NOTICE TO THE TAX COLLECTOR OF THE COUNTY FROM WHICH THE MANUFACTURED HOME OR MOBILE HOME WAS RELOCATED; TO BRING FORWARD SECTION 27-53-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A PENALTY FOR VIOLATIONS OF THE LAWS PROVIDING FOR THE REGISTRATION AND ASSESSMENT OF MANUFACTURED HOMES AND MOBILE HOMES FOR AD VALOREM TAX PURPOSES, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Morgan To: Ways and Means

HOUSE BILL NO. 256
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-53-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MANUFACTURED HOME OR MOBILE HOME IS RELOCATED FROM ONE COUNTY TO ANOTHER COUNTY, THEN THE OWNER OF THE MANUFACTURED HOME OR MOBILE HOME SHALL PROVIDE NOTICE TO THE TAX COLLECTOR OF THE COUNTY FROM WHICH THE MANUFACTURED HOME OR MOBILE HOME WAS RELOCATED; TO BRING FORWARD SECTION 27-53-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A PENALTY FOR VIOLATIONS OF THE LAWS PROVIDING FOR THE REGISTRATION AND ASSESSMENT OF MANUFACTURED HOMES AND MOBILE HOMES FOR AD VALOREM TAX PURPOSES, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-53-5, Mississippi Code of 1972, is amended as follows:

27-53-5. (1) It shall be the duty of the owner of a manufactured home or mobile home, not later than seven (7) days, Saturdays, Sundays and legal holidays excluded, after the date of purchase or entry into the county where the manufactured home or mobile home is located, to register such manufactured home or mobile home with the tax collector of the county where the manufactured home or mobile home is located. If a certificate of title has been issued or applied for concerning the manufactured home or mobile home, the original certificate of title or a copy

of the application shall be presented to the tax collector at the time of the registration. The registration application for such manufactured home or mobile home shall contain the following information: name and address of owner, length and width of the manufactured home or mobile home, serial number or vehicle identification number (VIN) of manufactured home or mobile home, make of manufactured home or mobile home, date of purchase, present market value, and address where manufactured home or mobile home is located if other than the address of the owner. At the time that an owner registers his manufactured home or mobile home, and before a registration certificate may be issued by the tax collector, the owner of the manufactured home or mobile home shall pay a registration fee of One Dollar ($1.00) to the county tax collector and provide proof of payment of the previous year's taxes unless the manufactured home or mobile home was purchased from a licensed dealer. It is also the duty of the owner of the manufactured home or mobile home to reregister his manufactured home or mobile home with the tax collector within seven (7) days after the relocation of such manufactured home or mobile home from one (1) location in the county to another location in the county in order that there will always be on file with the tax collector the current address of such manufactured home or mobile home. In addition, if a manufactured home or mobile home is relocated from one (1) county to another county, then the owner of the manufactured home or mobile home, within twenty-one (21) days

after such relocation, shall provide notice to the tax collector of the county from which the manufactured home or mobile home was relocated.

(2) It shall be the duty of every manufactured home or mobile home owner to provide either (a) proof of registration in the county in which the manufactured home or mobile home is located and at the address at which utility service is to be provided, as required by subsection (1), or (b) a certified copy of a recorded affidavit of affixation, together with a copy of the initial or any subsequent written confirmation from the Department of Revenue that the title to such home has been permanently retired, to each utility company whose service is procured by the owner before the utility company shall connect its services. For purposes of this section, "utility" shall mean and include water, gas, electric and telephone services, including such utilities as are owned and operated by municipalities.

(3) No utility company shall connect, provide or transfer service without receiving and recording either (a) the number of the current registration certificate issued for the manufactured home or mobile home at the address where service will be connected, provided or transferred, or (b) instrument number or the book and page where the affidavit of affixation is recorded.

(4) It shall be the duty of every manufactured home or mobile home owner subject to the use tax levy in Section 27-67-5 to provide proof of payment of such tax prior to the time of

registration. If the manufactured home or mobile home has been registered in another county in this state, then the owner shall only need to show proof of such registration.

(5) Every utility company, in its discretion, may furnish to the county tax collector, upon request, the names and addresses of all manufactured home or mobile home customers to whom the utility company provides a service.

(6) The owner of a manufactured home or mobile home whose title has been permanently retired to real property under Section 63-21-30 shall be exempt from the requirements of subsection (1) of this section until such time as the owner of such manufactured home or mobile home files an affidavit of severance.

SECTION 2. Section 27-53-29, Mississippi Code of 1972, is brought forward as follows:

27-53-29. Any such willful violation of this chapter shall be punishable by a fine of not more than Twenty-five Dollars ($25.00).

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 400

Description: Riding bailiffs; revise salary of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/05	(H) Referred To Judiciary B; Appropriations
2	01/31	(H) DR - TSDPCS: JB To AP
3	02/01	(H) DR - TSDPCS: AP To JB
4	02/01	(H) Title Suff Do Pass Comm Sub
5	02/03	(H) Committee Substitute Adopted
6	02/03	(H) Passed {Vote}
7	02/04	(H) Transmitted To Senate
8	02/11	(S) Referred To Judiciary, Division B; Appropriations
9	02/24	(S) DR - TSDPAA: JB To AP
10	03/01	(S) Title Suff Do Pass As Amended
11	03/07	(S) Amended
12	03/07	(S) Passed As Amended {Vote}
13	03/08	(S) Returned For Concurrence
14	03/09	(H) Decline to Concur/Invite Conf
15	03/16	(H) Conferees Named Bain,Sanford,Oliver
16	03/21	(S) Conferees Named Fillingane,Hopson,DeBar
17	03/24	(S) Conference Report Filed
18	03/24	(H) Conference Report Filed
19	03/27	(H) Conference Report Adopted {Vote}
20	03/29	(S) Conference Report Adopted {Vote}
21	03/31	(H) Enrolled Bill Signed
22	03/31	(S) Enrolled Bill Signed
23	04/08	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 400

Conference Reports:

Conference Report

Code Section: A 019-0025-0031

----- Additional Information -----

House Committee: Judiciary B, Appropriations
Senate Committee: Judiciary, Division B, Appropriations

Principal Author: Wright

Title: AN ACT TO AMEND SECTION 19-25-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCREASE OF THE SALARY OF RIDING BAILIFFS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 400

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Wright

To: Judiciary B; Appropriations

HOUSE BILL NO. 400
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-25-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE INCREASE OF THE SALARY OF RIDING BAILIFFS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-25-31, Mississippi Code of 1972, is amended as follows:

19-25-31. Each judge of a circuit, chancery or county court, or a court of eminent domain may, in the judge's discretion, by order entered on the minutes of the court, allow the sheriff riding bailiffs to serve in the respective court of such judge, not to exceed four (4) bailiffs. Any such person so employed shall be paid by the county on allowances of the court on issuance of a warrant therefor in an amount * * * between Fifty-five Dollars ($55.00) and One Hundred Dollars ($100.00) for each day, or part thereof, for which he or she serves as bailiff when the court is in session. No full-time deputy sheriff shall be paid as a riding bailiff of any court. County court judges shall be limited to one (1) bailiff per each court day.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 453

Description: Tourism; establish programs for certain assistance, designate "One Mississippi" as contemporary music genre official State Song.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022
Suspension measure: HC 89

History of Actions:

1	01/05	(H) Referred To Tourism
2	01/27	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Committee Substitute Adopted
5	02/09	(H) Passed {Vote}
6	02/10	(H) Transmitted To Senate
7	02/15	(S) Referred To Tourism; Appropriations
8	02/23	(S) DR - TSDP: TO To AP
9	03/01	(S) DR - TSDPAA: AP To TO
10	03/01	(S) Title Suff Do Pass As Amended
11	03/03	(S) Passed As Amended {Vote}
12	03/03	(S) Immediate Release
13	03/03	(S) Returned For Concurrence
14	03/09	(H) Decline to Concur/Invite Conf
15	03/22	(H) Conferees Named Currie,Oliver,Lamar
16	03/22	(S) Conferees Named Chassaniol,Polk,Williams
17	03/28	(H) Conference Report Filed
18	03/28	(S) Conference Report Filed
19	03/29	(H) Recommitted For Further Conf
20	03/29	(S) Recommitted For Further Conf
21	03/29	Suspend from Deadlines by HC 89
22	03/31	(S) Conference Report Filed
23	03/31	(H) Conference Report Filed
24	03/31	(H) Conference Report Adopted {Vote}
25	03/31	(S) Conference Report Adopted {Vote}
26	03/31	(S) Motion to Reconsider Entered
27	04/01	(S) Motion to Reconsider Tabled

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28  04/04   (H) Enrolled Bill Signed
29  04/04   (S) Enrolled Bill Signed
30  04/14   Approved by Governor
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Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 453

Conference Reports:
Conference Report
Conference Report # 2

----- Additional Information -----

House Committee: Tourism
Senate Committee: Tourism, Appropriations

Principal Author: Currie
Additional Authors: Felsher, Crawford, Turner

Title: AN ACT TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO CERTAIN NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS ASSOCIATED WITH ADVERTISING AND OTHER FORMS OF PROMOTING AND PUBLICIZING NONPROFIT MUSEUMS AND MUSEUM RELATED ACTIVITIES, AND REPAIRS AND RENOVATIONS OF AND UPGRADES AND IMPROVEMENTS TO SUCH MUSEUMS FOR HEALTH AND SAFETY PURPOSES RELATED TO THE CORONAVIRUS DISEASE 19; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO MISSISSIPPI MAIN STREET ASSOCIATION TO BE USED FOR THE PURPOSE OF MAKING REVITALIZATION GRANTS TO MISSISSIPPI COMMUNITIES; TO DESIGNATE "ONE MISSISSIPPI," WRITTEN BY STEVE AZAR, AS THE CONTEMPORARY MUSIC GENRE OFFICIAL STATE SONG; TO ESTABLISH THE MISSISSIPPI STATE SONGS STUDY COMMITTEE TO DEVELOP VARIOUS GENRES OF OFFICIAL SONGS FOR THE STATE OF MISSISSIPPI; TO PRESCRIBE THE MEMBERSHIP OF THE COMMITTEE AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO REQUIRE THE COMMITTEE TO SUBMIT A REPORT OF ITS FINDINGS TO THE LEGISLATURE NO LATER THAN DECEMBER 31, 2022; TO REPEAL CHAPTER 654, LAWS OF 1962, WHICH DESIGNATED "GO MISSISSIPPI" AS THE OFFICIAL STATE SONG; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Currie, Felsher, Crawford, Turner

To: Tourism

HOUSE BILL NO. 453
(As Sent to Governor)

AN ACT TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO DESTINATION MARKETING ORGANIZATIONS TO ASSIST IN PAYING COSTS OF CERTAIN MARKETING ACTIVITIES; TO DEFINE THE TERMS "DESTINATION MARKETING ORGANIZATIONS" AND "MARKETING ACTIVITIES" FOR THE PURPOSES OF THIS ACT; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO CERTAIN NONPROFIT MUSEUMS TO ASSIST IN PAYING COSTS ASSOCIATED WITH ADVERTISING AND OTHER FORMS OF PROMOTING AND PUBLICIZING NONPROFIT MUSEUMS AND MUSEUM RELATED ACTIVITIES, AND REPAIRS AND RENOVATIONS OF AND UPGRADES AND IMPROVEMENTS TO SUCH MUSEUMS FOR HEALTH AND SAFETY PURPOSES RELATED TO THE CORONAVIRUS DISEASE 19; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO MISSISSIPPI MAIN STREET ASSOCIATION TO BE USED FOR THE PURPOSE OF MAKING REVITALIZATION GRANTS TO MISSISSIPPI COMMUNITIES; TO DESIGNATE "ONE MISSISSIPPI," WRITTEN BY STEVE AZAR, AS THE CONTEMPORARY MUSIC GENRE OFFICIAL STATE SONG; TO ESTABLISH THE MISSISSIPPI STATE SONGS STUDY COMMITTEE TO DEVELOP VARIOUS GENRES OF OFFICIAL SONGS FOR THE STATE OF MISSISSIPPI; TO PRESCRIBE THE MEMBERSHIP OF THE COMMITTEE AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO REQUIRE THE COMMITTEE TO SUBMIT A REPORT OF ITS FINDINGS TO THE LEGISLATURE NO LATER THAN DECEMBER 31, 2022; TO REPEAL CHAPTER 654, LAWS OF 1962, WHICH DESIGNATED "GO MISSISSIPPI" AS THE OFFICIAL STATE SONG; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The COVID-19 public health emergency has had a significant negative impact on Mississippi's tourism industry and its nonprofit museums. American Rescue Plan Act funds are

specifically targeted toward assisting in the recovery of the tourism and hospitality sectors. The funds provided in this act are necessary expenditures related to COVID-19, the purpose of which is to publicize the resumption of tourism activities and steps taken to ensure a safe tourism experience and to support the travel and hospitality economy of Mississippi.

SECTION 2. (1) As used in this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Destination marketing organization" means:

(i) Special local governmental units created by local and private laws of the State of Mississippi for the purpose of tourism promotion, funded by special local tax levies, and staffed with professionals engaged in out-of-state tourism marketing and tourism product development for municipalities, counties and/or regions; or

(ii) Publicly-funded local organizations that engage in out-of-state tourism marketing and tourism development for municipalities, counties and/or regions.

(b) "Marketing activities" means multimedia marketing and advertising, including digital media, broadcast media and printed media, including travel publications, production, travel market sector analysis, consumer travel sentiment, public relations, communication strategy, direct sales bookings, group tour bookings, tourism development and administrative costs to

execute marketing activities related to the business disruption effects of the Coronavirus Disease 2019 as expressed in Section 1 of this act.

(2) (a) The Department of Finance and Administration shall establish a program for the purpose of providing funds to assist destination marketing organizations in paying costs for marketing activities as provided in this section. Monies disbursed by the Department of Finance and Administration under this section shall be disbursed in compliance with all requirements and/or conditions on funds appropriated from the Coronavirus State Fiscal Recovery Fund for the program established under this section. The Department of Finance and Administration shall determine, in conjunction with the destination marketing organizations, the allocation of funds under this section and shall disburse funds as follows:

(i) Not more than Nine Million Four Hundred Twenty-seven Thousand Five Hundred Fifty-seven Dollars ($9,427,557.00) of such monies shall be allocated to destination marketing organizations in a manner that will provide monies to a destination marketing organization in an amount equal to seventy-five percent (75%) of the destination marketing organization's marketing and advertising expenditures during the 2019 fiscal year, and

(ii) Not more than Twenty Million Five Hundred Seventy-two Thousand Four Hundred Forty-three Dollars

($20,572,443.00) of such monies shall be allocated to destination marketing organizations based on the proportion that a destination marketing organization's contribution toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report bears to all destination marketing organizations' contributions toward total tourism visitors in the state according to the 2019 Fiscal Year Visit Mississippi Visitors Profile Report. However, a destination marketing organization shall not receive an amount less than Two Hundred Fifty Thousand Dollars ($250,000.00) under this subparagraph (ii).

(b) Within fifteen (15) days after the effective date of this act, the Department of Finance and Administration shall distribute the funds allocated under paragraph (a) of this subsection (2) to eligible destination marketing organizations. Before receiving funds under this subsection (2), a destination marketing organization must certify to the Department of Finance and Administration that:

(i) The funds will only be used for marketing activities, and

(ii) The destination marketing organization will comply with applicable federal and state regulations and requirements related to American Rescue Plan Act funds, and

(iii) The destination marketing organization will obligate all funds by December 31, 2024, and fully expend all funds by December 31, 2026.

(c) Destination marketing organizations receiving funds under this subsection (2) shall keep and maintain records related to expenditures. Destination marketing organizations receiving funds under this subsection (2) shall also track impacts of their marketing activities through special levy tax receipts, hotel occupancy indicators, other tourism industry metrics, and analytics from marketing campaigns, as appropriate. Such destination marketing organizations shall provide semi-annual reports on expenditures and economic impacts of their marketing activities to the Department of Finance and Administration, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Department of Audit.

(d) Subject to applicable purchasing laws, destination marketing organizations will give preference, when available and practical, to Mississippi-based companies for any new contracts entered into for marketing activities.

(3) The Department of Finance and Administration and the Department of Audit shall have all powers necessary for the implementation of this section.

SECTION 3. (1) The Department of Finance and Administration shall establish a program for the purpose of providing assistance to Mississippi nonprofit museums as provided in this section.

Monies disbursed by the Department of Finance and Administration under this section shall be disbursed in compliance with all requirements and/or conditions on funds appropriated from the Coronavirus State Fiscal Recovery Fund for the program established under this section. The Department of Finance and Administration shall disburse funds under this section to nonprofit museums located in municipalities with a population of not more than fifty thousand (50,000) according to the latest federal decennial census to assist in paying costs associated with advertising and other forms of promoting and publicizing nonprofit museums and museum related activities, and repairs and renovations of and upgrades and improvements to such museums for health and safety purposes related to the Coronavirus Disease 19. Of the monies disbursed by the Department of Finance and Administration under this section, twenty-five percent (25%) of such monies shall be used to provide assistance for requests for assistance of less than Three Hundred Thousand Dollars ($300,000.00); thirty-five percent (35%) of such monies shall be used to provide assistance for requests for assistance of Three Hundred Thousand Dollars ($300,000.00) or more but less than Seven Hundred Thousand Dollars ($700,000.00) and forty percent (40%) of such monies shall be used to provide assistance for requests for assistance of Seven Hundred Thousand Dollars ($700,000.00) or more. A museum desiring assistance under this section must submit an application to the Department of Finance and Administration. The application must include a

description of the purposes for which the assistance is requested, the amount of the assistance requested and any other information required by the department.

(2) The Department of Finance and Administration shall have all powers necessary for the implementation of this section.

SECTION 4. (1) The Department of Finance and Administration shall establish a program for the purpose of providing funds to Mississippi Main Street Association as provided in this section. Monies disbursed by the Department of Finance and Administration under this section shall be disbursed in compliance with all requirements and/or conditions on funds appropriated from the Coronavirus State Fiscal Recovery Fund for the program established under this section. The Department of Finance and Administration shall disburse funds under this section to Mississippi Main Street Association to be used for the purpose of making revitalization grants to Mississippi communities as follows:

2020 population	Number of communities	Grant amount	Total grants
More than 25,000	8	$ 125,000.00	$ 1,000,000.00
Not more than 25,000	40	$ 100,000.00	$ 4,000,000.00
Total			$ 5,000,000.00

(2) The Department of Finance and Administration shall have all powers necessary for the implementation of this section.

SECTION 5. (1) The Legislature finds that:

(a) The State of Mississippi is known as the "Birthplace of America's Music," and is credited for producing Elvis Presley, the "King of Rock and Roll," Jimmie Rodgers, the "Father of Country Music," and B.B. King, the "King of the Blues," and these Mississippi trailblazers, alongside hundreds of others, have impacted and influenced the music industry like no others in modern history; and

(b) That many states of the United States have two (2) or more official state songs, including: Tennessee; West Virginia; Arkansas; Florida; Louisiana and South Carolina; and

(c) Mississippi's musical heritage has positioned the Magnolia State as a true renaissance of musical genres, scaling past, present and even future trends, and from rock and roll, country and the blues, to gospel, opera and everything in between, Mississippi has not only transformed the course of America's music, it has revolutionized it, and because of this, it is important that the official songs of the State of Mississippi truly reflect the state's phenomenal musical heritage, while enthusiastically looking forward to its future; and

(d) The Legislature desires to provide the state with numerous state songs so that Mississippians may enjoy state songs that are appropriate for all occasions, events and daily activities.

(2) The lyrics and music to the song "One Mississippi," written by Steve Azar, are designated as the contemporary music genre official song of the State of Mississippi.

SECTION 6. (1) There is established the Mississippi State Songs Study Committee for the purpose of developing and reporting to the Legislature its recommendation for various genres of official songs of the State of Mississippi, including, but not limited to, country, rhythm and blues, rock and roll and gospel. The official songs of the State of Mississippi shall honor the past while embracing the promise of the future.

(2) The committee shall consist of the following members:

(a) The Director of the Division of Tourism of the Mississippi Development Authority;

(b) The Executive Director of the Mississippi Tourism Association;

(c) The Chair of the House of Representatives Tourism Committee;

(d) The Chair of the Senate Tourism Committee;

(e) The Executive Director of the Mississippi Arts Commission; and

(f) The Director of the two (2) Mississippi Museums.

The chair of the committee shall be chosen by majority vote of the members of the committee. The committee shall meet as soon as practicable after the effective date of this act upon the joint call of the Speaker of the House of Representatives and the

Lieutenant Governor, and shall organize for business. A majority vote of the members of the committee shall be required for the adoption of any reports and recommendations.

(3) The committee shall have the following functions and duties:

(a) To hold regular public meetings when and where it sees fit;

(b) To receive written public comments in a manner and under the terms and conditions as it sees fit;

(c) To collect, examine and consider all information that it determines may be helpful in making a recommendation for the various genres of official songs for the State of Mississippi;

(d) To consult with experts, representatives of organizations and associations, and others, as it sees fit, whose knowledge or expertise may assist the committee in making its recommendation;

(e) To make any inquiries and conduct any business that may assist the committee in developing the various genres of official songs for the State of Mississippi;

(f) Keep minutes of its meetings, and make those minutes available to the public; and

(g) To make a written recommendation for the various genres of official songs for the State of Mississippi, which shall be presented to the Legislature not later than December 31, 2022.

(4) Members of the committee shall receive no compensation for their service on the committee, but may receive reimbursement for mileage and actual expenses as provided in Section 25-3-41, Mississippi Code of 1972, to the extent that funds are available for that purpose.

SECTION 7. Chapter 654, Laws of 1962, which designated "Go Mississippi" as the official song of the State of Mississippi, is repealed.

SECTION 8. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 470

Description: Sales tax; extend repealer on exemption of certain sales to Toughest Kids Foundation for Camp Kamassa in Copiah County.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/06	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	02/24	(S) Title Suff Do Pass
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/22	(H) Conferees Named Lamar,Steverson,Massengill
12	03/24	(S) Conferees Named Harkins,Kirby,Barrett
13	03/28	(S) Conference Report Filed
14	03/28	(H) Conference Report Filed
15	03/29	(S) Conference Report Adopted {Vote}
16	03/29	(H) Conference Report Adopted {Vote}
17	03/31	(H) Enrolled Bill Signed
18	04/01	(S) Enrolled Bill Signed
19	04/14	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 470

Conference Reports:
Conference Report

Code Section: A 027-0065-0111

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Roberson
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO EXTEND THE DATE OF THE REPEALER ON THE SALES TAX EXEMPTION FOR SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO THE MISSISSIPPI'S TOUGHEST KIDS FOUNDATION FOR USE IN THE CONSTRUCTION, FURNISHING AND EQUIPPING OF BUILDINGS AND RELATED FACILITIES AND INFRASTRUCTURE AT CAMP KAMASSA IN COPIAH COUNTY, MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Roberson, Stamps To: Ways and Means

HOUSE BILL NO. 470
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-111, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO EXTEND THE DATE OF THE REPEALER ON THE SALES TAX EXEMPTION FOR SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO THE MISSISSIPPI'S TOUGHEST KIDS FOUNDATION FOR USE IN THE CONSTRUCTION, FURNISHING AND EQUIPPING OF BUILDINGS AND RELATED FACILITIES AND INFRASTRUCTURE AT CAMP KAMASSA IN COPIAH COUNTY, MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-65-111, Mississippi Code of 1972, as amended by Senate Bill No. 2095, 2022 Regular Session, is amended as follows:

27-65-111. The exemptions from the provisions of this chapter which are not industrial, agricultural or governmental, or which do not relate to utilities or taxes, or which are not properly classified as one (1) of the exemption classifications of this chapter, shall be confined to persons or property exempted by this section or by the Constitution of the United States or the State of Mississippi. No exemptions as now provided by any other section, except the classified exemption sections of this chapter set forth herein, shall be valid as against the tax herein levied.

Any subsequent exemption from the tax levied hereunder, except as indicated above, shall be provided by amendments to this section.

No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21 * * *.

The tax levied by this chapter shall not apply to the following:

(a) Sales of tangible personal property and services to hospitals or infirmaries owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual, and which are subject to and governed by Sections 41-7-123 through 41-7-127.

Only sales of tangible personal property or services which are ordinary and necessary to the operation of such hospitals and infirmaries are exempted from tax.

(b) Sales of daily or weekly newspapers, and periodicals or publications of scientific, literary or educational organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of March 31, 1975, and subscription sales of all magazines.

(c) Sales of coffins, caskets and other materials used in the preparation of human bodies for burial.

(d) Sales of tangible personal property for immediate export to a foreign country.

(e) Sales of tangible personal property to an orphanage, old men's or ladies' home, supported wholly or in part

by a religious denomination, fraternal nonprofit organization or other nonprofit organization.

(f) Sales of tangible personal property, labor or services taxable under Sections 27-65-17, 27-65-19 and 27-65-23, to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual.

(g) Sales to elementary and secondary grade schools, junior and senior colleges owned and operated by a corporation or association in which no part of the net earnings inures to the benefit of any private shareholder, group or individual, and which are exempt from state income taxation, provided that this exemption does not apply to sales of property or services which are not to be used in the ordinary operation of the school, or which are to be resold to the students or the public.

(h) The gross proceeds of retail sales and the use or consumption in this state of drugs and medicines:

(i) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed or prescription filled by a registered pharmacist in accordance with law; or

(ii) Furnished by a licensed physician, surgeon, dentist or podiatrist to his own patient for treatment of the patient; or

(iii) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, surgeon, dentist or podiatrist; or

(iv) Sold to a licensed physician, surgeon, podiatrist, dentist or hospital for the treatment of a human being; or

(v) Sold to this state or any political subdivision or municipal corporation thereof, for use in the treatment of a human being or furnished for the treatment of a human being by a medical facility or clinic maintained by this state or any political subdivision or municipal corporation thereof.

"Medicines," as used in this paragraph (h), shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include any auditory, prosthetic, ophthalmic or ocular device or appliance, any dentures or parts thereof or any artificial limbs or their replacement parts, articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices or other mechanical, electronic, optical or physical equipment or article or the component parts

and accessories thereof, or any alcoholic beverage or any other drug or medicine not commonly referred to as a prescription drug.

Notwithstanding the preceding sentence of this paragraph (h), "medicines" as used in this paragraph (h), shall mean and include sutures, whether or not permanently implanted, bone screws, bone pins, pacemakers and other articles permanently implanted in the human body to assist the functioning of any natural organ, artery, vein or limb and which remain or dissolve in the body.

The exemption provided in this paragraph (h) shall not apply to medical cannabis sold in accordance with the provisions of the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder.

"Hospital," as used in this paragraph (h), shall have the meaning ascribed to it in Section 41-9-3, Mississippi Code of 1972.

Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this paragraph (h).

(i) Retail sales of automobiles, trucks and truck-tractors if exported from this state within forty-eight (48) hours and registered and first used in another state.

(j) Sales of tangible personal property or services to the Salvation Army and the Muscular Dystrophy Association, Inc.

(k) From July 1, 1985, through December 31, 1992, retail sales of "alcohol-blended fuel" as such term is defined in Section 75-55-5. The gasoline-alcohol blend or the straight alcohol eligible for this exemption shall not contain alcohol distilled outside the State of Mississippi.

(l) Sales of tangible personal property or services to the Institute for Technology Development.

(m) The gross proceeds of retail sales of food and drink for human consumption made through vending machines serviced by full-line vendors from and not connected with other taxable businesses.

(n) The gross proceeds of sales of motor fuel.

(o) Retail sales of food for human consumption purchased with food stamps issued by the United States Department of Agriculture, or other federal agency, from and after October 1, 1987, or from and after the expiration of any waiver granted pursuant to federal law, the effect of which waiver is to permit the collection by the state of tax on such retail sales of food for human consumption purchased with food stamps.

(p) Sales of cookies for human consumption by the Girl Scouts of America no part of the net earnings from which sales inures to the benefit of any private group or individual.

(q) Gifts or sales of tangible personal property or services to public or private nonprofit museums of art.

(r) Sales of tangible personal property or services to alumni associations of state-supported colleges or universities.

(s) Sales of tangible personal property or services to National Association of Junior Auxiliaries, Inc., and chapters of the National Association of Junior Auxiliaries, Inc.

(t) Sales of tangible personal property or services to domestic violence shelters which qualify for state funding under Sections 93-21-101 through 93-21-113.

(u) Sales of tangible personal property or services to the National Multiple Sclerosis Society, Mississippi Chapter.

(v) Retail sales of food for human consumption purchased with food instruments issued the Mississippi Band of Choctaw Indians under the Women, Infants and Children Program (WIC) funded by the United States Department of Agriculture.

(w) Sales of tangible personal property or services to a private company, as defined in Section 57-61-5, which is making such purchases with proceeds of bonds issued under Section 57-61-1 et seq., the Mississippi Business Investment Act.

(x) The gross collections from the operation of self-service, coin-operated car washing equipment and sales of the service of washing motor vehicles with portable high-pressure washing equipment on the premises of the customer.

(y) Sales of tangible personal property or services to the Mississippi Technology Alliance.

(z) Sales of tangible personal property to nonprofit organizations that provide foster care, adoption services and temporary housing for unwed mothers and their children if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(aa) Sales of tangible personal property to nonprofit organizations that provide residential rehabilitation for persons with alcohol and drug dependencies if the organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(bb) (i) Retail sales of an article of clothing or footwear designed to be worn on or about the human body and retail sales of school supplies if the sales price of the article of clothing or footwear or school supply is less than One Hundred Dollars ($100.00) and the sale takes place during a period beginning at 12:01 a.m. on the last Friday in July and ending at 12:00 midnight the following Saturday. This paragraph (bb) shall not apply to:

1. Accessories including jewelry, handbags, luggage, umbrellas, wallets, watches, briefcases, garment bags and similar items carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

2. The rental of clothing or footwear; and

3. Skis, swim fins, roller blades, skates and similar items worn on the foot.

(ii) For purposes of this paragraph (bb), "school supplies" means items that are commonly used by a student in a course of study. The following is an all-inclusive list:

1. Backpacks;

2. Binder pockets;

3. Binders;

4. Blackboard chalk;

5. Book bags;

6. Calculators;

7. Cellophane tape;

8. Clays and glazes;

9. Compasses;

10. Composition books;

11. Crayons;

12. Dictionaries and thesauruses;

13. Dividers;

14. Erasers;

15. Folders: expandable, pocket, plastic and manila;

16. Glue, paste and paste sticks;

17. Highlighters;

18. Index card boxes;

19. Index cards;

20. Legal pads;

21. Lunch boxes;

22. Markers;

23. Notebooks;

24. Paintbrushes for artwork;

25. Paints: acrylic, tempera and oil;

26. Paper: loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board and construction paper;

27. Pencil boxes and other school supply boxes;

28. Pencil sharpeners;

29. Pencils;

30. Pens;

31. Protractors;

32. Reference books;

33. Reference maps and globes;

34. Rulers;

35. Scissors;

36. Sheet music;

37. Sketch and drawing pads;

38. Textbooks;

39. Watercolors;

40. Workbooks; and

41. Writing tablets.

(iii) From and after January 1, 2010, the governing authorities of a municipality, for retail sales occurring within the corporate limits of the municipality, may suspend the application of the exemption provided for in this paragraph (bb) by adoption of a resolution to that effect stating the date upon which the suspension shall take effect. A certified copy of the resolution shall be furnished to the Department of Revenue at least ninety (90) days prior to the date upon which the municipality desires such suspension to take effect.

(cc) The gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or an organization affiliated with a school.

As used in this paragraph (cc), "school" means any public or private school that teaches courses of instruction to students in any grade from kindergarten through Grade 12.

(dd) Sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient. As used in this paragraph (dd), "durable medical equipment" and "home medical supplies" mean equipment, including repair and replacement parts for the equipment or supplies listed under Title XVIII of the Social Security Act or under the state plan for medical assistance under Title XIX of the Social Security Act, prosthetics, orthotics, hearing aids, hearing devices, prescription eyeglasses, oxygen and oxygen equipment. Payment does not have to be made, in

whole or in part, by any particular person to be eligible for this exemption. Purchases of home medical equipment and supplies by a provider of home health services or a provider of hospice services are eligible for this exemption if the purchases otherwise meet the requirements of this paragraph.

(ee) Sales of tangible personal property or services to Mississippi Blood Services.

(ff) (i) Subject to the provisions of this paragraph (ff), retail sales of firearms, ammunition and hunting supplies if sold during the annual Mississippi Second Amendment Weekend holiday beginning at 12:01 a.m. on the last Friday in August and ending at 12:00 midnight the following Sunday. For the purposes of this paragraph (ff), "hunting supplies" means tangible personal property used for hunting, including, and limited to, archery equipment, firearm and archery cases, firearm and archery accessories, hearing protection, holsters, belts and slings. Hunting supplies does not include animals used for hunting.

(ii) This paragraph (ff) shall apply only if one or more of the following occur:

1. Title to and/or possession of an eligible item is transferred from a seller to a purchaser; and/or

2. A purchaser orders and pays for an eligible item and the seller accepts the order for immediate shipment, even if delivery is made after the time period provided

in subparagraph (i) of this paragraph (ff), provided that the purchaser has not requested or caused the delay in shipment.

(gg) Sales of nonperishable food items to charitable organizations that are exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and operate a food bank or food pantry or food lines.

(hh) Sales of tangible personal property or services to the United Way of the Pine Belt Region, Inc.

(ii) Sales of tangible personal property or services to the Mississippi Children's Museum or any subsidiary or affiliate thereof operating a satellite or branch museum within this state.

(jj) Sales of tangible personal property or services to the Jackson Zoological Park.

(kk) Sales of tangible personal property or services to the Hattiesburg Zoo.

(ll) Gross proceeds from sales of food, merchandise or other concessions at an event held solely for religious or charitable purposes at livestock facilities, agriculture facilities or other facilities constructed, renovated or expanded with funds for the grant program authorized under Section 18, Chapter 530, Laws of 1995.

(mm) Sales of tangible personal property and services to the Diabetes Foundation of Mississippi and the Mississippi Chapter of the Juvenile Diabetes Research Foundation.

(nn) Sales of potting soil, mulch, or other soil amendments used in growing ornamental plants which bear no fruit of commercial value when sold to commercial plant nurseries that operate exclusively at wholesale and where no retail sales can be made.

(oo) Sales of tangible personal property or services to the University of Mississippi Medical Center Research Development Foundation.

(pp) Sales of tangible personal property or services to Keep Mississippi Beautiful, Inc., and all affiliates of Keep Mississippi Beautiful, Inc.

(qq) Sales of tangible personal property or services to the Friends of Children's Hospital.

(rr) Sales of tangible personal property or services to the Pinecrest Weekend Snackpacks for Kids located in Corinth, Mississippi.

(ss) Sales of hearing aids when ordered or prescribed by a licensed physician, audiologist or hearing aid specialist for the medical purposes of a patient.

(tt) Sales exempt under the Facilitating Business Rapid Response to State Declared Disasters Act of 2015 (Sections 27-113-1 through 27-113-9).

(uu) Sales of tangible personal property or services to the Junior League of Jackson.

(vv) Sales of tangible personal property or services to the Mississippi's Toughest Kids Foundation for use in the construction, furnishing and equipping of buildings and related facilities and infrastructure at Camp Kamassa in Copiah County, Mississippi. This paragraph (vv) shall stand repealed on July 1, * * * 2025.

(ww) Sales of tangible personal property or services to MS Gulf Coast Buddy Sports, Inc.

(xx) Sales of tangible personal property or services to Biloxi Lions, Inc.

(yy) Sales of tangible personal property or services to Lions Sight Foundation of Mississippi, Inc.

(zz) Sales of tangible personal property and services to the Goldring/Woldenberg Institute of Southern Jewish Life (ISJL).

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 530

Description: The "Strategically Accelerating the Recruitment and Retention of Teachers (START) Act of 2022"; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/11	(H) Referred To Appropriations
2	01/11	(H) Title Suff Do Pass
3	01/12	(H) Passed {Vote}
4	01/13	(H) Transmitted To Senate
5	01/20	(S) Referred To Education; Appropriations
6	03/01	(S) DR - TSDPAA: ED To AP
7	03/01	(S) Title Suff Do Pass As Amended
8	03/02	(S) Amended
9	03/02	(S) Passed As Amended {Vote}
10	03/02	(S) Immediate Release
11	03/02	(S) Returned For Concurrence
12	03/03	(H) Decline to Concur/Invite Conf
13	03/04	(H) Conferees Named Bennett,McCarty,Read
14	03/04	(H) Conferees Named Bennett,McCarty,Felsher
15	03/07	(S) Conferees Named DeBar,Bryan,Hopson
16	03/16	(S) Conference Report Filed
17	03/16	(H) Conference Report Filed
18	03/17	(S) Conference Report Adopted {Vote}
19	03/22	(H) Conference Report Adopted {Vote}
20	03/24	(H) Enrolled Bill Signed
21	03/24	(S) Enrolled Bill Signed
22	03/30	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 530

Conference Reports:

| Conference Report

Code Section: A 037-0019-0007, A 037-0021-0007

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Education, Appropriations

Principal Author: Bennett
Additional Authors: McCarty, Felsher, Owen, Oliver, Miles, Eure, McKnight, Jackson, Barton, McLean, Harness, Sanford, Cockerham, Turner, Mangold, Barnett, Ford (73rd), Crawford, Steverson, Bain, Massengill, Gunn, Newman, Rushing, Pigott, Morgan, Kinkade, Calvert, Creekmore IV, Smith, Tullos, Goodin, Lancaster, Hood, Carpenter, Gibbs (36th), Reynolds, Clarke, Karriem, Scoggin, Crudup, Robinson, Boyd, Stamps, Foster, Clark, Thompson, Tubb, Summers, Faulkner, Johnson, Hines, Mickens, Taylor, Darnell

Title: AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF PROVIDING FOR AN INCREASE TO THE MINIMUM TEACHER SALARY SCALE; TO DELETE THE CAP ON THE NUMBER OF NATIONAL BOARD-CERTIFIED NURSES AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY SCHOOL DISTRICTS WHO ARE ALLOWED TO RECEIVE THE SALARY SUPPLEMENT FOR NATIONAL BOARD CERTIFICATION; TO REQUIRE THE PAYMENT OF AN ANNUAL SALARY SUPPLEMENT TO STATE-LICENSED ATHLETIC TRAINERS EMPLOYED BY A SCHOOL DISTRICT WHO HAVE ACQUIRED NATIONAL BOARD CERTIFICATION; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN INCREASE TO THE MINIMUM BASE SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 530

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Bennett, McCarty, Felsher, Owen, Oliver, Miles, Eure, McKnight, Jackson, Barton, McLean, Harness, Sanford, Cockerham, Turner, Mangold, Barnett, Ford (73rd), Crawford, Steverson, Bain, Massengill, Gunn, Newman, Rushing, Pigott, Morgan, Kinkade, Calvert, Creekmore IV, Smith, Tullos, Goodin, Lancaster, Hood, Carpenter, Gibbs (36th), Reynolds, Clarke, Karriem, Scoggin, Crudup, Robinson, Boyd, Stamps, Foster, Clark, Thompson, Tubb, Summers, Faulkner, Johnson, Hines, Mickens, Taylor, Darnell

To: Appropriations

HOUSE BILL NO. 530
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF PROVIDING FOR AN INCREASE TO THE MINIMUM TEACHER SALARY SCALE; TO DELETE THE CAP ON THE NUMBER OF NATIONAL BOARD-CERTIFIED NURSES AND SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY SCHOOL DISTRICTS WHO ARE ALLOWED TO RECEIVE THE SALARY SUPPLEMENT FOR NATIONAL BOARD CERTIFICATION; TO REQUIRE THE PAYMENT OF AN ANNUAL SALARY SUPPLEMENT TO STATE-LICENSED ATHLETIC TRAINERS EMPLOYED BY A SCHOOL DISTRICT WHO HAVE ACQUIRED NATIONAL BOARD CERTIFICATION; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN INCREASE TO THE MINIMUM BASE SALARY FOR TEACHER ASSISTANTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) The allowance in the Mississippi Adequate Education Program for teachers' salaries in each * * * public school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

* * *

2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

Exp.	AAAA	AAA	AA	A
0	45,500.00	44,000.00	43,000.00	41,500.00
1	46,100.00	44,550.00	43,525.00	41,900.00
2	46,700.00	45,100.00	44,050.00	42,300.00
3	47,300.00	45,650.00	44,575.00	42,700.00
4	47,900.00	46,200.00	45,100.00	43,100.00
5	49,250.00	47,500.00	46,350.00	44,300.00
6	49,850.00	48,050.00	46,875.00	44,700.00
7	50,450.00	48,600.00	47,400.00	45,100.00
8	51,050.00	49,150.00	47,925.00	45,500.00
9	51,650.00	49,700.00	48,450.00	45,900.00
10	53,000.00	51,000.00	49,700.00	47,100.00
11	53,600.00	51,550.00	50,225.00	47,500.00
12	54,200.00	52,100.00	50,750.00	47,900.00
13	54,800.00	52,650.00	51,275.00	48,300.00
14	55,400.00	53,200.00	51,800.00	48,700.00
15	56,750.00	54,500.00	53,050.00	49,900.00
16	57,350.00	55,050.00	53,575.00	50,300.00
17	57,950.00	55,600.00	54,100.00	50,700.00
18	58,550.00	56,150.00	54,625.00	51,100.00
19	59,150.00	56,700.00	55,150.00	51,500.00
20	60,500.00	58,000.00	56,400.00	52,700.00
21	61,100.00	58,550.00	56,925.00	53,100.00

22	61,700.00	59,100.00	57,450.00	53,500.00
23	62,300.00	59,650.00	57,975.00	53,900.00
24	62,900.00	60,200.00	58,500.00	54,300.00
25	65,400.00	62,700.00	61,000.00	56,800.00
26	66,000.00	63,250.00	61,525.00	57,200.00
27	66,600.00	63,800.00	62,050.00	57,600.00
28	67,200.00	64,350.00	62,575.00	58,000.00
29	67,800.00	64,900.00	63,100.00	58,400.00
30	68,400.00	65,450.00	63,625.00	58,800.00
31	69,000.00	66,000.00	64,150.00	59,200.00
32	69,600.00	66,550.00	64,675.00	59,600.00
33	70,200.00	67,100.00	65,200.00	60,000.00
34	70,800.00	67,650.00	65,725.00	60,400.00
35 & above	71,400.00	68,200.00	66,250.00	60,800.00

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no

school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year. * * * However, * * * school districts are authorized, in their discretion, to negotiate the salary levels applicable to * * * licensed employees who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided above in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. * * *

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic

language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board * * *. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. * * *

(v) Any licensed athletic trainer who has met the requirements and acquired Board Certification for the Athletic Trainer from the Board of Certification, Inc., and who is employed by a local school board or the State Board of Education as an athletic trainer and not as an administrator. The licensed athletic trainer shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed athletic trainer shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its * * * adequate education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local

school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars ($6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one (1) individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars ($4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for

Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding * * * licensed teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in

student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. * * *

(5) (a) * * * If funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SECTION 2. Section 37-21-7, Mississippi Code of 1972, is amended as follows:

37-21-7. (1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2) (a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for

any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a High School Equivalency Diploma equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.

(4) (a) In order to receive funding, each school district shall:

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodic training for administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a

program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and the Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For assistant teachers, the minimum annual salary shall be as follows:

* * *

2022-2023 and Subsequent Years Minimum Salary.....$17,000.00

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to

the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across-the-board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the

assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Districts meeting the highest levels of accreditation standards, as defined by the State Board of Education, shall be exempted from the provisions of subsection (4) of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022, and the amendments to subparagraphs (ii), (iv) and (v) of Section 37-19-7(2)(a) in this act shall be retroactive to July 1, 2021.

Mississippi Legislature
2022 Regular Session

House Bill 531

Description: Mississippi Tax Freedom Act of 2022; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/11	(H) Referred To Ways and Means
2	01/11	(H) Title Suff Do Pass
3	01/12	(H) Amended
4	01/12	(H) Passed As Amended {Vote}
5	01/13	(H) Motion to Reconsider Entered (Lamar, Steverson)
6	01/13	(H) Reconsidered
7	01/13	(H) Amended
8	01/13	(H) Passed As Amended {Vote}
9	01/18	(H) Transmitted To Senate
10	01/28	(S) Referred To Finance
11	03/14	(S) Title Suff Do Pass As Amended
12	03/15	(S) Amended
13	03/15	(S) Motion to Reconsider Lost
14	03/15	(S) Passed As Amended {Vote}
15	03/16	(S) Motion to Reconsider Entered
16	03/17	(S) Motion to Reconsider Tabled
17	03/17	(S) Returned For Concurrence
18	03/18	(H) Decline to Concur/Invite Conf
19	03/22	(H) Conferees Named Lamar,Steverson,Massengill
20	03/24	(S) Conferees Named Harkins,Hopson,Johnson
21	03/26	(H) Conference Report Filed
22	03/26	(S) Conference Report Filed
23	03/27	(H) Conference Report Adopted {Vote}
24	03/27	(S) Conference Report Adopted {Vote}
25	03/29	(H) Enrolled Bill Signed
26	03/29	(S) Enrolled Bill Signed
27	04/05	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2Lost Voice Vote
[H] Amendment No 3 ***Adopted*** Voice Vote
[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 531

Conference Reports:

| Conference Report

Code Section: A 027-0007-0005

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Gunn
Additional Authors: Lamar, White, Steverson, Barnett, Massengill, Bain, Newman, Rushing, Kinkade, Morgan, Pigott, Ford (73rd), Calvert, Smith, Creekmore IV, Goodin, Tullos, Carpenter, Hood, Oliver, Robinson, Boyd, Eure, McKnight, Owen, Sanders, Crawford, Darnell, McLean, Tubb, Byrd, Eubanks, Brown (20th)

Title: AN ACT TO CREATE THE MISSISSIPPI TAX FREEDOM ACT OF 2022; TO AMEND SECTION 27-7-5, MISSISSIPPI CODE OF 1972, TO REDUCE THE STATE INCOME TAX ON THE TAXABLE INCOME OF INDIVIDUALS; TO PROVIDE THAT IT IS THE INTENT OF THE LEGISLATURE THAT BEFORE CALENDAR YEAR 2026, THE LEGISLATURE WILL CONSIDER WHETHER THE REVISED INCOME TAX RATES PROVIDED FOR IN THIS ACT WILL BE FURTHER DECREASED FOR CALENDAR YEARS AFTER CALENDAR YEAR 2026; TO PROVIDE THAT IF THE REVISED TAX RATES ARE FURTHER DECREASED FOR CALENDAR YEARS AFTER CALENDAR YEAR 2026 TO THE EXTENT THAT THERE IS NO TAX LEVIED ON THE TAXABLE INCOME INDIVIDUALS UNDER THIS SECTION, THE INDIVIDUAL INCOME TAX SHALL STAND REPEALED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Gunn, Lamar, White, Steverson, Barnett, Massengill, Bain, Newman, Rushing, Kinkade, Morgan, Pigott, Ford (73rd), Calvert, Smith, Creekmore IV, Goodin, Tullos, Carpenter, Hood, Oliver, Robinson, Boyd, Eure, McKnight, Owen, Sanders, Crawford, Darnell, McLean, Tubb, Byrd, Eubanks, Brown (20th)

To: Ways and Means

HOUSE BILL NO. 531
(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI TAX FREEDOM ACT OF 2022; TO AMEND SECTION 27-7-5, MISSISSIPPI CODE OF 1972, TO REDUCE THE STATE INCOME TAX ON THE TAXABLE INCOME OF INDIVIDUALS; TO PROVIDE THAT IT IS THE INTENT OF THE LEGISLATURE THAT BEFORE CALENDAR YEAR 2026, THE LEGISLATURE WILL CONSIDER WHETHER THE REVISED INCOME TAX RATES PROVIDED FOR IN THIS ACT WILL BE FURTHER DECREASED FOR CALENDAR YEARS AFTER CALENDAR YEAR 2026; TO PROVIDE THAT IF THE REVISED TAX RATES ARE FURTHER DECREASED FOR CALENDAR YEARS AFTER CALENDAR YEAR 2026 TO THE EXTENT THAT THERE IS NO TAX LEVIED ON THE TAXABLE INCOME INDIVIDUALS UNDER THIS SECTION, THE INDIVIDUAL INCOME TAX SHALL STAND REPEALED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Tax Freedom Act of 2022."

SECTION 2. Section 27-7-5, Mississippi Code of 1972, is amended as follows:

27-7-5. (1) <u>(a) Except as otherwise provided in this section,</u> there is hereby assessed and levied, to be collected and paid as hereinafter provided, for the calendar year 1983 and fiscal years ending during the calendar year 1983 and all taxable years thereafter, upon the entire net income of every resident

individual, corporation, association, trust or estate, in excess of the credits provided, a tax at the following rates:

* * * (i) 1. Through calendar year 2017, on the first Five Thousand Dollars ($5,000.00) of taxable income, or any part thereof, the rate shall be three percent (3%);

* * * 2. For calendar year 2018, on the first One Thousand Dollars ($1,000.00) of taxable income there shall be no tax levied, and on the next Four Thousand Dollars ($4,000.00) of taxable income, or any part thereof, the rate shall be three percent (3%);

* * * 3. For calendar year 2019, on the first Two Thousand Dollars ($2,000.00) of taxable income there shall be no tax levied, and on the next Three Thousand Dollars ($3,000.00) of taxable income, or any part thereof, the rate shall be three percent (3%);

* * * 4. For calendar year 2020, on the first Three Thousand Dollars ($3,000.00) of taxable income there shall be no tax levied, and on the next Two Thousand Dollars ($2,000.00) of taxable income, or any part thereof, the rate shall be three percent (3%);

* * * 5. For calendar year 2021, on the first Four Thousand Dollars ($4,000.00) of taxable income there shall be no tax levied, and on the next One Thousand Dollars ($1,000.00) of taxable income, or any part thereof, the rate shall be three percent (3%);

* * * 6. For calendar year 2022 and all taxable years thereafter, there shall be no tax levied on the first Five Thousand Dollars ($5,000.00) of taxable income;

* * * (ii) On taxable income in excess of Five Thousand Dollars ($5,000.00) up to and including Ten Thousand Dollars ($10,000.00), or any part thereof, the rate shall be four percent (4%); and

* * * (iii) On all taxable income in excess of Ten Thousand Dollars ($10,000.00), the rate shall be five percent (5%).

(b) (i) For calendar year 2023 and all calendar years thereafter, there shall be no tax levied under subparagraph (ii) of paragraph (a) of this subsection on the taxable income of individuals in excess of Five Thousand Dollars ($5,000.00) up to and including Ten Thousand Dollars ($10,000.00), or any part thereof; and

(ii) For calendar year 2024 and all calendar years thereafter, the tax imposed under subparagraph (iii) of paragraph (a) of this subsection upon all taxable income of individuals in excess of Ten Thousand Dollars ($10,000.00), shall be at the following rates:

1. For calendar year 2024, on such taxable income, the rate shall be four and seven-tenths percent (4.7%);

2. For calendar year 2025, on such taxable income, the rate shall be four and four-tenths percent (4.4%); and

3. For calendar year 2026 and all calendar years thereafter, on such taxable income, the rate shall be four percent (4%).

It is the intent of the Legislature that before calendar year 2026, the Legislature will consider whether the revised tax rates provided for in this subparagraph (ii) will be further decreased for calendar years after calendar year 2026. If the revised tax rates provided for in this subparagraph (ii) are further decreased for calendar years after calendar year 2026 to the extent that there is no tax levied on the taxable income of individuals under this subparagraph (ii), the individual income tax shall stand repealed.

(2) An S corporation, as defined in Section 27-8-3(1)(g), shall not be subject to the income tax imposed under this section.

(3) A like tax is hereby imposed to be assessed, collected and paid annually, except as hereinafter provided, at the rate specified in this section and as hereinafter provided, upon and with respect to the entire net income, from all property owned or sold, and from every business, trade or occupation carried on in this state by individuals, corporations, partnerships, trusts or estates, not residents of the State of Mississippi.

(4) In the case of taxpayers having a fiscal year beginning in a calendar year with a rate in effect that is different than the rate in effect for the next calendar year and ending in the

next calendar year, the tax due for that taxable year shall be determined by:

(a) Computing for the full fiscal year the amount of tax that would be due under the rates in effect for the calendar year in which the fiscal year begins; and

(b) Computing for the full fiscal year the amount of tax that would be due under the rates in effect for the calendar year in which the fiscal year ends; and

(c) Applying to the tax computed under paragraph (a) the ratio which the number of months falling within the earlier calendar year bears to the total number of months in the fiscal year; and

(d) Applying to the tax computed under paragraph (b) the ratio which the number of months falling within the later calendar year bears to the total number of months within the fiscal year; and

(e) Adding to the tax determined under paragraph (c) the tax determined under paragraph (d) the sum of which shall be the amount of tax due for the fiscal year.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 586

Description: Pilot work release program that authorizes sheriff to assign offenders to while confined in jail; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/13	(H) Referred To Corrections
2	01/24	(H) Title Suff Do Pass Comm Sub
3	01/27	(H) Committee Substitute Adopted
4	01/27	(H) Passed {Vote}
5	01/28	(H) Transmitted To Senate
6	02/04	(S) Referred To Corrections
7	02/22	(S) Title Suff Do Pass As Amended
8	03/02	(S) Amended
9	03/02	(S) Passed As Amended {Vote}
10	03/03	(S) Returned For Concurrence
11	03/08	(H) Decline to Concur/Invite Conf
12	03/18	(H) Conferees Named Horan,Shanks,Rushing
13	03/21	(S) Conferees Named Barnett,Sparks,Carter
14	03/28	(H) Conference Report Filed
15	03/28	(S) Conference Report Filed
16	03/29	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	03/31	(H) Enrolled Bill Signed
19	03/31	(S) Enrolled Bill Signed
20	04/08	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 586

Conference Reports:

| Conference Report

----- Additional Information -----

House Committee: Corrections

Senate Committee: Corrections

Principal Author: Newman

Title: AN ACT TO AMEND SECTION 1, CHAPTER 429, LAWS OF 2021, TO AUTHORIZE HARRISON COUNTY TO ESTABLISH A PILOT WORK RELEASE PROGRAM; TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW THAT ESTABLISHES THE PILOT WORK RELEASE PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Newman To: Corrections

HOUSE BILL NO. 586
(As Sent to Governor)

AN ACT TO AMEND SECTION 1, CHAPTER 429, LAWS OF 2021, TO AUTHORIZE HARRISON COUNTY TO ESTABLISH A PILOT WORK RELEASE PROGRAM; TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW THAT ESTABLISHES THE PILOT WORK RELEASE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 1, Chapter 429, Laws of 2021, is amended as follows:

Section 1. (1) The Sheriffs of Rankin County, Harrison County and Lee County * * * are authorized to establish a Pilot Work Release Program. No person sentenced for a crime listed in Section 97-3-2 shall be eligible for participation in the program established under this act. During the pilot phase of the program, there shall be a limit of twenty-five (25) people in the program at a time.

(2) The sheriff shall collect and maintain data which shall be shared semiannually with the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Corrections and Criminal Justice Oversight Task Force in sortable

electronic format. The first report shall be made before January 15, 2022, and in six-month intervals thereafter. The data shall include:

(a) Total number of participants at the beginning of each month by race, gender, and offenses charged;

(b) Total number of participants at the end of each month by race, gender, and offenses charged;

(c) Total number of participants who began the program in each month by race, gender, and offenses charged;

(d) Total number of participants who successfully completed the program in each month by race, gender, and offenses charged;

(e) Total number of participants who left the program in each month and reason for leaving by race, gender, and offenses charged;

(f) Total number of participants who were arrested for a new criminal offense while in the program in each month by race, gender, and offenses charged;

(g) Total number of participants who were convicted of a new crime while in the program in each month by race, gender, and offenses charged;

(h) Total number of participants who completed the program and were convicted of a new crime within three (3) years of completing the program;

(i) Total amount earned by participants and how the earnings were distributed in each month;

(j) Results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged; and

(k) Any other data or information as requested by the task force.

(3) Any person who has been sentenced to confinement in jail or who has been sentenced for a felony conviction but is confined in a jail may request assignment to the work release program established under this act. Admission to the program shall be in the discretion of the sheriff. The sheriff may further authorize the offender to participate in educational or other rehabilitative programs designed to supplement his work release employment or to prepare the person for successful reentry. No offender shall be eligible for this program if he or she has more than one (1) year remaining on his or her sentence.

(4) The sheriff shall adopt and publish rules and regulations prior to accepting inmates. These rules and regulations shall at a minimum include all requirements for work release programs established pursuant to Sections 47-5-451 through 47-5-471. Participating employers shall pay no less than the prevailing wage for the position and shall under no circumstance pay less than the federal minimum wage.

(5) Any offender assigned to such a program by the sheriff who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his or her going to or returning from such place, will be guilty of escape as provided in Section 97-9-49. An offender who is found guilty under this section shall be ineligible for further participation in a work release program during his or her current term of confinement.

(6) The offender shall maintain an account through a local financial institution and shall provide a copy of a check stub to the sheriff. The offender may be required to pay up to twenty-five percent (25%) of his or her wages after mandatory deductions for the following purposes:

(a) To pay support of dependents or to the Mississippi Department of Human Services on behalf of dependents as may be ordered by a judge of competent jurisdiction; and

(b) To pay any fines, restitution, or costs as ordered by the court to include any fines and fees associated with obtaining a valid driver's license upon release.

(7) The inmate shall have access to his account to purchase incidental expenses.

(8) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of the work release program established under this act and produce a

report to the Legislature on their effectiveness by December 1, 2022. The PEER Committee shall seek the assistance of the Corrections and Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

(9) This section shall stand repealed on July 1, * * * 2024.

SECTION 2. Section 1 of this act shall be codified in Chapter 5, Title 47, Mississippi Code of 1972, and the corresponding Editor's Note shall be deleted.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 590

Description: Charitable solicitations; revise provisions relating to notice, demand and service of process.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/13	(H) Referred To Judiciary A
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/04	(S) Referred To Judiciary, Division A
6	03/01	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/14	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 079-0011-0501, A 079-0011-0511

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Cockerham

Title: AN ACT TO AMEND SECTION 79-11-501, MISSISSIPPI CODE OF 1972, TO REMOVE CONDUCT OF RELIGIOUS INSTITUTIONS AND GROUPS OR CORPORATIONS WHICH FORM AN INTEGRAL PART OF RELIGIOUS INSTITUTIONS THAT IS PRIMARILY SUPPORTED BY PREVIOUS DONORS FROM WHAT THE TERM "CHARITABLE ORGANIZATION" DOES NOT INCLUDE; TO AMEND SECTION 79-11-511, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARITABLE ORGANIZATION, PERSON, PROFESSIONAL FUNDRAISER, FUNDRAISING COUNSEL OR PROFESSIONAL SOLICITOR, THAT SOLICITS CONTRIBUTIONS IN THE STATE OF MISSISSIPPI, SHALL BE SUBJECT TO NOTICE OR DEMAND AS PROVIDED IN SECTION 79-35-

13, MISSISSIPPI CODE OF 1972, AND SHALL BE SUBJECT TO SERVICE OF PROCESS AS PROVIDED BY THE MISSISSIPPI RULES OF CIVIL PROCEDURE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Cockerham To: Judiciary A

HOUSE BILL NO. 590

AN ACT TO AMEND SECTION 79-11-501, MISSISSIPPI CODE OF 1972, TO REMOVE CONDUCT OF RELIGIOUS INSTITUTIONS AND GROUPS OR CORPORATIONS WHICH FORM AN INTEGRAL PART OF RELIGIOUS INSTITUTIONS THAT IS PRIMARILY SUPPORTED BY PREVIOUS DONORS FROM WHAT THE TERM "CHARITABLE ORGANIZATION" DOES NOT INCLUDE; TO AMEND SECTION 79-11-511, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHARITABLE ORGANIZATION, PERSON, PROFESSIONAL FUNDRAISER, FUNDRAISING COUNSEL OR PROFESSIONAL SOLICITOR, THAT SOLICITS CONTRIBUTIONS IN THE STATE OF MISSISSIPPI, SHALL BE SUBJECT TO NOTICE OR DEMAND AS PROVIDED IN SECTION 79-35-13, MISSISSIPPI CODE OF 1972, AND SHALL BE SUBJECT TO SERVICE OF PROCESS AS PROVIDED BY THE MISSISSIPPI RULES OF CIVIL PROCEDURE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 79-11-501, Mississippi Code of 1972, is amended as follows:

79-11-501. The following words and phrases as used in Sections 79-11-501 through 79-11-529 shall have the meanings as defined in this section * * * unless * * * the context clearly indicates otherwise:

(a) (i) "Charitable organization" means either of the following:

(A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

(B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, firefighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

(ii) "Charitable organization" is not limited to only those organizations to which contributions are tax deductible under Section 170 of the Internal Revenue Code.

(iii) "Charitable organization" does not include any bona fide duly constituted religious institutions and such separate groups or corporations which form an integral part of religious institutions, provided that:

(A) Such religious institutions, groups or corporations are tax exempt pursuant to the Internal Revenue Code;

(B) No part of their net income inures to the direct benefit of any individual; and

(C) Their conduct is primarily supported by government grants or contracts, funds solicited from their own membership, congregations * * * and fees charged for services rendered.

(b) "Charitable purpose" means either of the following:

(i) Any purpose described in Section 501(c)(3) of the Internal Revenue Code; or

(ii) Any voluntary health and welfare, charitable, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, firefighters, or other public safety organizations;

"Charitable purpose" is not limited to only those purposes for which contributions are tax deductible under Section 170 of the Internal Revenue Code.

(c) "Container" means any box, carton, package, receptacle, canister, jar, dispenser, or machine that offers a product for sale or distribution which is or purports to be a solicitation of contributions for a charitable purpose.

(d) "Contribution" means the promise or grant of any money or property of any kind or value, including the promise to pay, except payments by members of an organization for membership fees, dues, fines, assessments or for services rendered to

individual members, if membership in such organization confers a bona fide right, privilege, professional standing, honor or other direct benefit, other than the right to vote, elect officers or hold offices, and except money or property received from any governmental authority. Reference to the dollar amount of "contributions" in Sections 79-11-501 through 79-11-529 means in the case of promises to pay, or payments for merchandise or rights of any other description, the value of the total amount promised to be paid or paid for such merchandise or rights and not merely that portion of the purchase price to be applied to a charitable purpose.

(e) "Fundraising counsel" means a person (i) who for a fixed fee or rate under a written agreement plans, manages, advises or consults with respect to the solicitation in this state of contributions by a charitable organization, (ii) who neither solicits contributions nor directly or indirectly employ, procure or engage any person compensated to solicit contributions, and (iii) who does not at any time, whether directly or indirectly, receive or have custody or control of contributions. A bona fide nontemporary salaried officer or employee of a charitable organization shall not be deemed to be a fundraising counsel. No attorney, accountant or banker who renders professional services to a charitable organization or advises a person to make a charitable contribution during the course of rendering professional services to that person shall be deemed, as a result

of the professional service or advice rendered, to be a fundraising counsel.

(f) "Person" means any individual, organization, group, association, partnership, corporation, trust or any combination of them or any other entity however established within or without this state.

(g) "Professional fundraiser" means any person who for compensation or other consideration is retained by a charitable organization to solicit in or from this state contributions for charitable purposes directly or in the form of payment for goods, services or admission to fundraising events, whether such solicitation is performed personally or through his agents, servants or employees or through agents, servants or employees especially employed by or for a charitable organization who are engaged in the solicitation of contributions, the sale of goods or services or the production of fundraising events under the direction of such person, or a person who plans, conducts, manages, carries on, advises or consults, whether directly or indirectly, in connection with the solicitation of contributions, sale of goods or services or the production of fundraising events for or on behalf of any charitable organization, but does not qualify as a fundraising counsel within the meaning of Sections 79-11-501 through 79-11-529, or who engages in the business of or holds himself out as independently engaged in the business of soliciting contributions for such purposes. A bona fide officer

or employee of a charitable organization shall not be deemed a professional fundraiser unless his salary or other compensation is paid as a commission which is computed on the basis of funds to be raised or actually raised.

(h) "Professional solicitor" means any person who is employed or retained for compensation by a professional fundraiser to solicit contributions for charitable purposes from persons in this state.

(i) "Public safety organization" means a nongovernmental organization that uses in its name, whether in a publication of the organization, in a solicitation for contributions to the organizations, for membership in the organization, or to purchase advertising in a publication of the organization, or in a solicitation to purchase products or tickets to an event sponsored by or for the benefit of the organization by a solicitor, the term officer, peace officer, police officer, police law enforcement, reserve officer, deputy, deputy sheriff, constable, deputy constable, fireman, firefighter, volunteer fireman, emergency medical service provider, civil employee or any other term in a manner that reasonably implies that the organization or that a contribution, purchase or membership will benefit public safety personnel.

(j) "Solicitation" or "solicit" means the request, directly or indirectly, for money, credit, property, financial assistance, or any other thing of value on the plea or

representation that such money, credit, property, financial assistance, or any other thing of value or a portion of it will be used for a charitable purpose or will benefit a charitable organization. "Solicitation" or "solicit" includes, but is not limited to, the following methods of requesting or securing money, credit, property, financial assistance or any other thing of value:

(i) Any oral or written request.

(ii) The making of any announcement in the press, over the radio or television, by telephone, through the mail or any other media concerning an appeal or campaign by or for any charitable organization or purpose.

(iii) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain a contribution.

(iv) The offer of, attempt to sell, or sale of any advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies or other tangible item in connection with which any appeal is made for any charitable organization or purpose, or where the name of any charitable organization is used or referred to in any appeal as an inducement or reason for making any sale, or where any statement is made that the whole or any part of the proceeds

from the sale will be used for any charitable purpose or will benefit any charitable organization.

(v) The use or employment of container, canisters, cards, receptacles or similar devices for the collection of money or other thing of value in connection with which any appeal is made for any charitable organization or purpose.

(vi) Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, contest, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.

A solicitation shall take place whether or not the person making the solicitation receives any contribution, except that a charitable organization's use of its own name in any communication shall not alone be sufficient to constitute a solicitation.

SECTION 2. Section 79-11-511, Mississippi Code of 1972, is amended as follows:

79-11-511. * * * A charitable organization, person, professional fundraiser, fundraising counsel or professional solicitor, that solicits contributions in the State of Mississippi, shall be subject to notice or demand as provided in Section 79-35-13, and shall be subject to service of process as provided by the Mississippi Rules of Civil Procedure.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 616

Description: Menaced property; authorize municipalities to secure abandoned or dilapidated buildings on such property.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/14	(H) Referred To Municipalities
2	01/25	(H) Title Suff Do Pass
3	02/08	(H) Passed {Vote}
4	02/08	(H) Motion to Reconsider Entered (Rushing, Tullos)
5	02/09	(H) Motion to Reconsider Tabled
6	02/09	(H) Transmitted To Senate
7	02/15	(S) Referred To Municipalities
8	02/28	(S) Title Suff Do Pass
9	03/09	(S) Passed {Vote}
10	03/10	(S) Returned For Enrolling
11	03/14	(H) Enrolled Bill Signed
12	03/15	(S) Enrolled Bill Signed
13	03/22	Approved by Governor

Code Section: A 021-0019-0011

----- Additional Information -----

House Committee: Municipalities
Senate Committee: Municipalities

Principal Author: McGee
Additional Authors: Stamps, Crudup, Gibbs (72nd)

Title: AN ACT TO AMEND SECTION 21-19-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE GOVERNING AUTHORITY OF ANY MUNICIPALITY TO SECURE ABANDONED OR DILAPIDATED BUILDINGS ONCE PROPERTY IS ADJUDICATED TO BE A MENACED PROPERTY AND THE OWNER HAS FAILED TO CLEAN THE PROPERTY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 616

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives McGee, Stamps, Crudup, Gibbs (72nd)

To: Municipalities

HOUSE BILL NO. 616

AN ACT TO AMEND SECTION 21-19-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE GOVERNING AUTHORITY OF ANY MUNICIPALITY TO SECURE ABANDONED OR DILAPIDATED BUILDINGS ONCE PROPERTY IS ADJUDICATED TO BE A MENACED PROPERTY AND THE OWNER HAS FAILED TO CLEAN THE PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 21-19-11, Mississippi Code of 1972, is amended as follows:

21-19-11. (1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition signed by a majority of the residents residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property, except

where the land or structure(s) is apparently vacant, and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of two (2) years after final adjudication without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees

or by contract, by cutting grass and weeds; filling cisterns; securing abandoned or dilapidated buildings; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or

parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing or securing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property, except as otherwise provided in this section for removal of hazardous substances, shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is more. The aggregate cost of removing hazardous substances will be the actual cost of such removal to the municipality and shall not be subject to the * * * cost limitations provided in this subsection. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forgo the notification process that is prescribed in this subsection and proceed to clean the properties

and assess costs as prescribed in this subsection, except that penalties shall not be assessed against the State of Mississippi.

(2) When the fee or cost to clean property or a parcel of land that is one (1) acre or less does not exceed Two Hundred Fifty Dollars ($250.00), excluding administrative costs, and the property or parcel is located within a municipality having a population over one thousand five hundred (1,500), the governing authority of the municipality may authorize one or more of its employees to determine whether the property or parcel of land is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and the determination made by the authorized municipal employee shall be set forth and recorded in the minutes of the governing authority. Notice of this determination shall be provided to the property owner by:

(a) United States mail seven (7) days before the date of cleaning of the property or parcel of land mailed to the address of the subject property, except where the land or structure(s) is apparently vacant, and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least seven (7) days before the cleaning of the property or parcel of land and at city hall or another place in the municipality where such notices are posted.

Any notice required by this subsection shall include language that informs the property owner that the appropriate municipal

official has determined that the property or parcel of land is a menace to the public health, safety and welfare of the community and in need of cleaning and the municipality is authorized to enter the property for cleaning and that the municipality is further authorized to reenter the property or parcel of land for a period of two (2) years after this cleaning without any further hearing or action if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this subsection shall be recorded in the minutes of the governing authority in conjunction with the determination made by the municipal employee in this subsection (2).

If an authorized municipal employee determines that the condition of property or parcel of land is a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; <u>securing abandoned or dilapidated buildings;</u> removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing

water therefrom. The governing authority shall by resolution adjudicate the actual cost of cleaning the property under this provision, provided the same does not exceed Two Hundred Fifty Dollars ($250.00) and may also impose a penalty not to exceed One Hundred Dollars ($100.00) or one hundred percent (100%) of the actual cost of cleaning the property, whichever is more. The cost and any penalty imposed may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and additionally may include administrative costs of the municipality not to exceed Fifty Dollars ($50.00). For subsequent cleaning within the one-year period set forth in this subsection (2), upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipal official's determination as authorized in this subsection (2), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing under this subsection (2) no more than six (6) times in any twelve-month period with respect to removing or securing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in

any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of One Thousand Dollars ($1,000.00) per year under this subsection (2). The governing authority may assess the same actual costs, administrative costs and penalty for each time the property or land is cleaned as otherwise provided in this subsection (2). The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forgo the notification process that is prescribed in this subsection and proceed to clean the properties and assess costs as prescribed in this subsection, except that penalties shall not be assessed against the State of Mississippi. A determination made by an appropriate municipal employee under this subsection (2) that the state or condition of property or a parcel of land is a menace to the public health, safety and welfare of the community shall not subsequently be used to replace a hearing if subsection (1) of this section is later utilized by a municipality when the prerequisites of this subsection (2) are not satisfied.

(3) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the

governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(4) (a) If the governing authority declares that the cost and any penalty shall be collected as an assessment against the property, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the chancery clerk of the county as other liens and encumbrances are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

(b) (i) All assessments levied under the provisions of this section shall be included with municipal ad valorem taxes and payment shall be enforced in the same manner in which payment is enforced for municipal ad valorem taxes, and all statutes regulating the collection of other taxes in a municipality shall apply to the enforcement and collection of the assessments levied under the provisions of this section, including utilization of the procedures authorized under Sections 17-13-9(2) and 27-41-2.

(ii) All assessments levied under the provisions of this section shall become delinquent at the same time municipal ad valorem taxes become delinquent. Delinquencies shall be collected in the same manner and at the same time delinquent ad valorem taxes are collected and shall bear the same penalties as those provided for delinquent taxes. If the property is sold for the nonpayment of an assessment under this section, it shall be sold in the manner that property is sold for the nonpayment of delinquent ad valorem taxes. If the property is sold for delinquent ad valorem taxes, the assessment under this section shall be added to the delinquent tax and collected at the same time and in the same manner.

(5) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken. However, an appeal from a decision of a municipal officer or official shall be made to the governing authority and such appeal shall be in writing, state the basis for the appeal and be filed with the city clerk no later than seven (7) days from the latest date of notice required under this section.

(6) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to maintain property so as not to constitute a menace to public health, safety and welfare.

(7) (a) If private property or a parcel of land located within a municipality is a perpetual care cemetery subject to Section 41-43-1 et seq., the governing authority of the municipality may proceed pursuant to the same provisions of this section used to determine whether a property is a public health menace to instead determine if the perpetual care cemetery and all structures on the cemetery are not being properly maintained and have become detrimental to the public health and welfare. A perpetual care cemetery that is "not being properly maintained and has become detrimental to the public health and welfare" means a perpetual care cemetery that shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, unusable entrances and exits, excess rubbish or debris, or the disintegration of grave markers or boundaries. Upon notice and opportunity to be heard as provided in subsection (1) of this section, the governing authority of the municipality may adjudicate the property or parcel of land in its then condition to be not properly maintained and detrimental to the public health and welfare, and if the owner does not do so itself, may proceed to clean the property or parcel of land as provided in subsection (1) of this section. When cleaning the property or parcel of land of a perpetual care cemetery pursuant to this subsection (7), the penalty or penalties provided in subsection (1) of this section shall not be assessed against owners of the perpetual care cemeteries.

(b) The governing authority of a municipality that cleans the property or parcel of land of a perpetual care cemetery pursuant to this subsection (7) may make application to the Secretary of State for an order directing the trustee of the perpetual care cemetery trust fund to release accrued interest or principal of the trust fund sufficient to reimburse the municipality for only the actual cleanup costs incurred by the municipality. The application to the Secretary of State shall include a statement by the municipality that all of the requirements of this section have been met.

(c) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, and that the application for an order directing the trustee to release accrued interest of the perpetual care cemetery trust fund does not threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may order the trustee to release accrued interest of the trust fund sufficient to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(d) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, but makes a determination that the accrued interest of the perpetual care cemetery trust fund is insufficient to reimburse the municipality for the actual costs of cleanup performed by the municipality, or that an order to release accrued interest would

threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may consider an order directing the trustee to reimburse the municipality from the principal of the trust fund. If the Secretary of State determines that an order to the trustee to release principal from the trust fund will not threaten the solvency of the trust fund, the Secretary of State may order the trustee to release principal of the trust fund in an amount sufficient to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(i) The Secretary of State may not order the trustee to release an amount of more than fifteen percent (15%) of principal of the trust fund to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(ii) The provisions of this section may be utilized no more than once in a four-year period.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 677

Description: County veteran service officers; revise certain provisions regarding certification.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Military Affairs
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/04	(S) Referred To Veterans and Military Affairs
6	02/28	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/14	(H) Decline to Concur/Invite Conf
11	03/18	(H) Conferees Named Carpenter,Newman,Hopkins
12	03/23	(S) Conferees Named Seymour,DeLano,McMahan
13	03/25	(H) Conference Report Filed
14	03/25	(S) Conference Report Filed
15	03/26	(H) Conference Report Adopted {Vote}
16	03/29	(S) Conference Report Adopted {Vote}
17	03/31	(H) Enrolled Bill Signed
18	03/31	(S) Enrolled Bill Signed
19	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 677

Conference Reports:
Conference Report

Code Section: A 035-0003-0021

----- Additional Information -----

House Committee: Military Affairs
Senate Committee: Veterans and Military Affairs

Principal Author: Carpenter
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 35-3-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL VETERANS RESOURCE ADVISORS TO BE CERTIFIED BY THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD AND BE ENTITLED TO COMPENSATION; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 677

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Carpenter, Stamps To: Military Affairs

HOUSE BILL NO. 677
(As Sent to Governor)

AN ACT TO AMEND SECTION 35-3-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL VETERANS RESOURCE ADVISORS TO BE CERTIFIED BY THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD AND BE ENTITLED TO COMPENSATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-3-21, Mississippi Code of 1972, is amended as follows:

35-3-21. In order to maintain offices and pay personnel for the purpose of assisting all residents of the State of Mississippi who served in the military or naval forces of the United States during any war, their relatives, beneficiaries or dependents, to receive from the United States any and all compensation, hospitalization, insurance or other aid or benefits to which they may be entitled under existing or hereafter enacted laws of the United States, the boards of supervisors in the various counties in the state are hereby authorized and empowered, in their discretion, to expend out of the general county fund, or special veterans' fund herein authorized to be set up, or from both of

such funds, such monies necessary to defray the office operating expenses and salary of the county veteran service officers.

Two (2) or more counties may, upon resolution duly adopted by the board of supervisors of each of such counties, agree to establish one (1) veteran service office for all of such counties. When two (2) or more counties enter into such an agreement, each county shall pay such amount mutually agreed upon and duly adopted by resolution of the respective boards of supervisors.

County veteran service officers shall be (a) honorably discharged or honorably released veterans; (b) the surviving spouse or child of any such deceased veteran; or (c) any person employed as a county veteran service officer in any county of this state on March 30, 1990. From and after July 1, 1990, county veteran service officers shall be certified by the Mississippi State Veterans Affairs Board which, among any other criteria it may establish, shall require such officers to (a) attend one (1) of the annual training programs provided for such officers by the Mississippi State Veterans Affairs Board, (b) successfully complete a written examination each year on the duties and responsibilities of and assistance available to such officers and veterans, (c) have certification and be accredited according to 38 CFR Section 14.629 administered by the Mississippi State Veterans Affairs Board, and (d) follow the rules and regulations promulgated by the Mississippi State Veterans Affairs Board. County veteran service officers who annually receive and complete

such instruction in a manner satisfactory to the Veterans Affairs Board and in accordance with this section shall be certified by the board. No county veteran service officer shall be entitled to receive any compensation for his services, to which he is otherwise entitled by law, unless he is annually certified by the board. Persons who cannot meet the accreditation standards of hours worked for county veteran service officers may be certified by the Mississippi State Veterans Affairs Board as Veterans Resource Advisors and be entitled to receive any compensation for his services as authorized by law.

County veteran service officers may be employed, in the discretion of the boards of supervisors, either full time or part time.

The boards of supervisors of the various counties are authorized and directed to provide necessary office space and communications connectivity for county veteran service officers.

The boards of supervisors of the various counties are further authorized and empowered to pay all necessary and actual expenses of county veteran service officers who attend a school of instruction within the State of Mississippi for such county veteran service officers.

It shall also be the duty of the boards of supervisors to aid the United States to defeat all unjust claims for aid or benefit therefrom.

Such expenditures may be made by the several counties acting alone, or in cooperation with other counties, and in cooperation with any federal or state agency carrying out such purposes.

In the event that the general revenues of the county levied under and within the limits of existing taxing statutes are not sufficient to pay the expenses authorized herein, the board of supervisors may, in its discretion, levy an additional tax not to exceed one (1) mill on all taxable property in the county to defray such expenses or any part thereof. Any tax levy made under authority of this chapter shall not be considered in refunding homestead exemption losses under Title 27, Chapter 33, Mississippi Code of 1972.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 679

Description: The Victoria Huggins Mississippi Pill Press Act of 2022; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Drug Policy; Judiciary B
2	01/19	(H) DR - TSDPAA: DP To JB
3	01/20	(H) DR - TSDPAA: JB To DP
4	01/20	(H) Title Suff Do Pass As Amended
5	02/03	(H) Amended
6	02/03	(H) Passed As Amended {Vote}
7	02/07	(H) Transmitted To Senate
8	02/11	(S) Referred To Judiciary, Division B
9	02/24	(S) Title Suff Do Pass As Amended
10	03/07	(S) Amended
11	03/07	(S) Passed As Amended {Vote}
12	03/08	(S) Returned For Concurrence
13	03/09	(H) Decline to Concur/Invite Conf
14	03/16	(H) Conferees Named Yancey,Bain,Creekmore IV
15	03/21	(S) Conferees Named Fillingane,Sparks,Barnett
16	03/28	(S) Conference Report Filed
17	03/28	(H) Conference Report Filed
18	03/29	(H) Conference Report Adopted {Vote}
19	03/29	(S) Conference Report Adopted
20	03/31	(H) Enrolled Bill Signed
21	03/31	(S) Enrolled Bill Signed
22	04/08	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 679

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Drug Policy, Judiciary B
Senate Committee: Judiciary, Division B

Principal Author: Yancey
Additional Authors: Ford (73rd)

Title: AN ACT TO ENACT THE VICTORIA HUGGINS' MISSISSIPPI PILL PRESS LAW OF 2022; TO CRIMINALIZE THE UNAUTHORIZED POSSESSION AND TRANSFER OF A PILL PRESS; TO INCLUDE SIMILAR DEVICES WITHIN THE OFFENSE; TO PROVIDE A PENALTY FOR VIOLATION; TO REQUIRE REGISTRATION WITH THE MISSISSIPPI BUREAU OF NARCOTICS, UNLESS THE PILL PRESS IS AUTHORIZED BY THE BOARD OF PHARMACY OR OTHER LAWFUL ENTITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Yancey, Ford (73rd) To: Drug Policy; Judiciary B

HOUSE BILL NO. 679
(As Sent to Governor)

AN ACT TO ENACT THE VICTORIA HUGGINS' MISSISSIPPI PILL PRESS LAW OF 2022; TO CRIMINALIZE THE UNAUTHORIZED POSSESSION AND TRANSFER OF A PILL PRESS; TO INCLUDE SIMILAR DEVICES WITHIN THE OFFENSE; TO PROVIDE A PENALTY FOR VIOLATION; TO REQUIRE REGISTRATION WITH THE MISSISSIPPI BUREAU OF NARCOTICS, UNLESS THE PILL PRESS IS AUTHORIZED BY THE BOARD OF PHARMACY OR OTHER LAWFUL ENTITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Possession, transfer or manufacture of a pill press; penalty; registration. (1) This section shall be known and referred to as the "Victoria Huggins' Mississippi Pill Press Law of 2022."

(2) (a) Unless authorized by the State Board of Pharmacy or other lawful authority, it is unlawful for any person knowingly or intentionally to possess, create, sell, barter, transfer, manufacture, or distribute a pill press, a punch, die, plate, tableting machine, encapsulating machine, or any similar pharmaceutical producing equipment, knowing, intending, or having reasonable cause to believe, that it will be used to manufacture a controlled substance or counterfeit controlled substance.

(b) Any person who violates this subsection shall be, if convicted, imprisoned by not more than five (5) years or fined not more than Five Thousand Dollars ($5,000.00), or both.

(3) All pill presses, punches, dies, plates, tableting machines, encapsulating machines or any similar pharmaceutical producing equipment shall be registered with the Mississippi Bureau of Narcotics, unless the pill press is authorized by the Board of Pharmacy or other lawful authority. The Mississippi Department of Public Safety shall promulgate rules regarding the registration, transfer and destruction of such equipment and the renewal of registrations, to include inspection of all of equipment registered and any product that the equipment is being used to manufacture.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 683

Description: State Parole Board; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Corrections
2	01/24	(H) Title Suff Do Pass
3	01/27	(H) Passed {Vote}
4	01/28	(H) Transmitted To Senate
5	02/11	(S) Referred To Accountability, Efficiency, Transparency
6	02/24	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/14	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 047-0007-0005

----- Additional Information -----

House Committee: Corrections
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATE PAROLE BOARD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Roberson To: Corrections

HOUSE BILL NO. 683

AN ACT TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATE PAROLE BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-7-5, Mississippi Code of 1972, is amended as follows:

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. A

member shall receive compensation or per diem in addition to his or her salary. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary expenses as authorized by Section 25-3-41. Each member of the board shall complete annual training developed based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff, shall be immune from civil liability for any official acts taken in good faith and in exercise of the board's legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively by the staff of the Division of Community Corrections of the department.

(7) (a) The Parole Board is authorized to select and place offenders in an electronic monitoring program under the conditions and criteria imposed by the Parole Board. The conditions, restrictions and requirements of Section 47-7-17 and Sections 47-5-1001 through 47-5-1015 shall apply to the Parole Board and any offender placed in an electronic monitoring program by the Parole Board.

(b) Any offender placed in an electronic monitoring program under this subsection shall pay the program fee provided

in Section 47-5-1013. The program fees shall be deposited in the special fund created in Section 47-5-1007.

(c) The department shall have absolute immunity from liability for any injury resulting from a determination by the Parole Board that an offender be placed in an electronic monitoring program.

(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

(b) When a person is placed on parole, the Parole Board shall inform the parolee of the duty to report to the parole officer any change in address ten (10) days before changing address.

(c) The Parole Board shall utilize an Internet website or other electronic means to release or publish the information.

(d) Records maintained on the registry shall be open to law enforcement agencies and the public and shall be available no later than July 1, 2003.

(9) An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex crime.

(10) This section shall stand repealed on July 1, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 684

Description: Small Business and Grocer Investment Act; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/02	(H) Committee Substitute Adopted
4	02/02	(H) Passed {Vote}
5	02/03	(H) Transmitted To Senate
6	02/17	(S) Referred To Finance
7	03/01	(S) Title Suff Do Pass
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/17	(H) Concurred in Amend From Senate {Vote}
12	03/21	(H) Enrolled Bill Signed
13	03/21	(S) Enrolled Bill Signed
14	03/26	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 684

Code Section: R 057-0010-0701, R 057-0010-0703, R 057-0010-0705, R 057-0010-0707, R 057-0010-0709, A 057-0010-0711

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Roberson
Additional Authors: Stamps

Title: AN ACT TO REENACT SECTIONS 57-10-701 THROUGH 57-10-709, MISSISSIPPI CODE OF 1972, WHICH CREATE THE SMALL BUSINESS AND

GROCER INVESTMENT ACT; TO AMEND SECTION 57-10-711, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE SECTIONS OF LAW THAT CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Roberson, Stamps To: Ways and Means

HOUSE BILL NO. 684
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 57-10-701 THROUGH 57-10-709, MISSISSIPPI CODE OF 1972, WHICH CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; TO AMEND SECTION 57-10-711, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE SECTIONS OF LAW THAT CREATE THE SMALL BUSINESS AND GROCER INVESTMENT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-10-701, Mississippi Code of 1972, is reenacted as follows:

57-10-701. This article shall be known as the "Small Business and Grocer Investment Act."

SECTION 2. Section 57-10-703, Mississippi Code of 1972, is reenacted as follows:

57-10-703. The Legislature finds the following:

(a) Developing quality retail food outlets creates jobs, expands markets for Mississippi farmers, and supports economic vitality in underserved communities.

(b) Increasing access to retail food outlets that sell fresh fruits, vegetables and other healthy food is an important strategy for fighting the obesity epidemic and improving health.

Studies have shown that people with better access to supermarkets and fresh produce tend to have healthier diets and lower levels of obesity.

(c) The program established under this article is intended to provide a dedicated source of financing for healthy food retailers operating in underserved communities in Mississippi, in both urban and rural areas; to increase access to affordable healthy food so as to improve diets and health; to promote the sale and consumption of fresh fruits and vegetables, in natural and/or frozen form, particularly those that are Mississippi grown; and to support expanded economic opportunities in low-income and rural communities.

SECTION 3. Section 57-10-705, Mississippi Code of 1972, is reenacted as follows:

57-10-705. As used in this article:

(a) "Agency" means the Mississippi Development Authority.

(b) "Funding" means grants, loans, or a combination of grants and loans.

(c) "Healthy food retailers" means retailers that sell quality fresh fruits and vegetables, in natural and/or frozen form, including, but not limited to, supermarkets, grocery stores, convenience stores and farmers' markets.

(d) "Program" means technical assistance and a public-private partnership established in the state by the

Mississippi Development Authority to identify and/or provide a dedicated source of funding and other financing for food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food for Mississippi residents overseen by the Mississippi Development Authority.

(e) "Underserved community" means a geographic area that has limited access to healthy food retailers, or an area that is otherwise determined to have serious healthy food access limitations, that is located in a county that has been designated by the Department of Revenue as a Tier Two or Tier Three area under the provisions of Section 57-73-21(1).

SECTION 4. Section 57-10-707, Mississippi Code of 1972, is reenacted as follows:

57-10-707. (1) To the extent funds are available, the Mississippi Development Authority, in cooperation with public and private sector partners, is authorized to establish a program modeled on comparable initiatives throughout the nation that provides grants and loans and/or promotes access to healthy food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food in underserved communities.

(2) The agency may contract with one or more qualified nonprofit organizations or community development financial institutions to administer the program described in this article

through a public-private partnership, to raise matching funds, market the program statewide, evaluate applicants, make award decisions, underwrite loans and monitor compliance and impact. The agency and its partners shall coordinate with complementary nutrition assistance and education programs.

(3) Any funding provided under the program shall be provided on a competitive, one-time basis as appropriate for the eligible project. No state funds shall be directly provided as a source of funding for any food retailer under this program, but may be used by the agency for its administrative duties in carrying out the provisions of this article.

(4) (a) The program may provide technical assistance and/or funding for projects such as:

(i) New construction of healthy food retailers.

(ii) Store renovations, expansion and infrastructure upgrades that improve the availability and quality of fresh produce.

(iii) Farmers' markets and public markets, food cooperatives, mobile markets and delivery projects and distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce.

(iv) Other projects that create or improve healthy food retail outlets that meet the intent of this article as determined by the agency.

(b) Funding made available for projects included in paragraph (a) of this subsection may be used for the following purposes:

(i) Site acquisition and preparation.

(ii) Construction costs.

(iii) Equipment and furnishings.

(iv) Workforce training.

(v) Security.

(vi) Certain predevelopment costs such as market studies and appraisals.

(vii) Working capital for initial inventory and costs.

(5) An applicant for funding may include, but not be limited to, a sole proprietorship, partnership, limited liability company, corporation or cooperative.

(6) In order to be considered for funding, an applicant shall meet the following eligibility criteria:

(a) The project for which the applicant seeks funding shall benefit an underserved community.

(b) The applicant shall demonstrate a meaningful commitment to sell fresh fruits and vegetables, in natural and/or frozen form, according to a measurable standard established by the agency.

(c) The applicant shall not locate the project in an area where it would be directly competing against an existing food retailer.

(7) Applicants shall be evaluated on the following financial criteria in order to determine the funding awarded:

(a) Demonstrated capacity to successfully implement the project, including the applicant's relevant experience and the likelihood that the project will be economically self-sustaining.

(b) The ability of the applicant to repay debt.

(c) The degree to which the project requires an investment of public funding to move forward, create impact or be competitive, and the level of need in the area to be served. Additional factors that will improve or preserve retail access for low-income residents, such as proximity to public transit lines, also may be taken into account.

(d) The degree to which the project will promote sales of fresh produce, particularly Mississippi-grown fruits and vegetables.

(e) The degree to which the project will have a positive economic impact on the underserved community, including, creating or retaining jobs for local residents.

(f) Other criteria that the agency determines to be consistent with the purposes of this article.

(8) The agency shall establish program benchmarks and reporting processes to make certain that the program benefits the

communities in the program area. The agency shall likewise establish monitoring and accountability mechanisms for projects receiving grants or loans, such as tracking fruit and vegetable sales data.

(9) The agency shall prepare and submit an annual report to the Legislature on any projects funded and outcome data.

(10) The agency shall establish rules for the implementation of this article.

SECTION 5. Section 57-10-709, Mississippi Code of 1972, is reenacted as follows:

57-10-709. Funding described in this article, to the extent practicable, may be used to leverage other sources of funds, including, but not limited to, New Markets Tax Credits, federal and foundation grant programs, incentives available to designated Enterprise Zones or Renewal Communities, operator equity and funds from private sector financial institutions under the federal Community Reinvestment Act.

SECTION 6. Section 57-10-711, Mississippi Code of 1972, is amended as follows:

57-10-711. Sections 57-10-701 through 57-10-709 shall stand repealed on July 1, * * * 2025.

SECTION 7. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 732

Description: State Commission on the 9-8-8 Comprehensive Behavioral Health Crisis Response System; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Public Health and Human Services
2	01/25	(H)	Title Suff Do Pass
3	02/03	(H)	Passed {Vote}
4	02/04	(H)	Transmitted To Senate
5	02/11	(S)	Referred To Public Health and Welfare
6	03/01	(S)	Title Suff Do Pass
7	03/09	(S)	Passed {Vote}
8	03/10	(S)	Returned For Enrolling
9	03/14	(H)	Enrolled Bill Signed
10	03/15	(S)	Enrolled Bill Signed
11	03/22		Approved by Governor

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Felsher
Additional Authors: Mickens

Title: AN ACT TO PROVIDE LEGISLATIVE INTENT REGARDING COMPLIANCE WITH THE NATIONAL SUICIDE HOTLINE DESIGNATION ACT OF 2020 TO ASSURE THAT ALL MISSISSIPPIANS RECEIVE A CONSISTENT LEVEL OF 9-8-8 AND CRISIS BEHAVIORAL HEALTH SERVICES NO MATTER WHERE THEY LIVE, WORK OR TRAVEL IN THE STATE; TO CREATE THE STUDY COMMISSION ON THE 9-8-8 COMPREHENSIVE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM; TO PROVIDE FOR THE MEMBERS OF THE STUDY COMMISSION; TO PROVIDE THAT THE STUDY COMMISSION SHALL ASSESS AND DEVELOP RECOMMENDATIONS FOR CRISIS RESPONSE SERVICES AND

FOR ADEQUATELY FUNDING THE CRISIS RESPONSE SERVICES SYSTEM STATEWIDE TO SUPPORT THE SUSTAINABILITY OF CALL CENTERS AND CRISIS SERVICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Felsher, Mickens

To: Public Health and Human Services

HOUSE BILL NO. 732

AN ACT TO PROVIDE LEGISLATIVE INTENT REGARDING COMPLIANCE WITH THE NATIONAL SUICIDE HOTLINE DESIGNATION ACT OF 2020 TO ASSURE THAT ALL MISSISSIPPIANS RECEIVE A CONSISTENT LEVEL OF 9-8-8 AND CRISIS BEHAVIORAL HEALTH SERVICES NO MATTER WHERE THEY LIVE, WORK OR TRAVEL IN THE STATE; TO CREATE THE STUDY COMMISSION ON THE 9-8-8 COMPREHENSIVE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM; TO PROVIDE FOR THE MEMBERS OF THE STUDY COMMISSION; TO PROVIDE THAT THE STUDY COMMISSION SHALL ASSESS AND DEVELOP RECOMMENDATIONS FOR CRISIS RESPONSE SERVICES AND FOR ADEQUATELY FUNDING THE CRISIS RESPONSE SERVICES SYSTEM STATEWIDE TO SUPPORT THE SUSTAINABILITY OF CALL CENTERS AND CRISIS SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. For the purposes of this act, the following words and phrases shall have the meanings as defined in this section, unless the context clearly requires otherwise:

(a) "National Suicide Prevention Lifeline" or "NSPL" means the national program that operates the national suicide prevention and mental health crisis hotline system;

(b) "9-8-8" means the universal telephone number for the national suicide prevention and mental health crisis hotline system;

(c) "9-8-8 crisis hotline center" means a state identified and funded center participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 9-8-8 calls;

(d) "SAMHSA" means the Substance Abuse and Mental Health Services Administration;

(e) "Mobile crisis response teams" include behavioral health professionals and peers that provide professional onsite community-based intervention such as de-escalation, stabilization, etc., for individuals who are experiencing a behavioral health crisis.

SECTION 2. It is the intent of the Legislature to:

(a) Save lives by improving access to appropriate services and supports to respond to behavioral health crises;

(b) Comply with the National Suicide Hotline Designation Act of 2020 and the Federal Communication Commission's rules adopted on July 16, 2020, to assure that all Mississippians receive a consistent level of 9-8-8 and crisis behavioral health services no matter where they live, work or travel in the state;

(c) Authorize the State Department of Mental Health to designate 9-8-8 crisis hotline center(s) that shall:

(i) Have an active agreement with the administrator of the NSPL for participation within the network;

(ii) Meet NSPL requirements and best practices guidelines for operational and clinical standards;

(iii) Report and participate in evaluations and related quality improvement activities;

(iv) Use technology, including chat and text, that is interoperable across emergency response systems used throughout Mississippi;

(v) Deploy crisis and outgoing services, including mobile crisis response teams, and coordinate access to crisis receiving and stabilization services and other local resources as appropriate and according to guidelines and best practices established by the NSPL;

(vi) Meet the requirements set forth by NSPL for serving high-risk and specialized populations as identified by SAMHSA, including training requirements and policies for transferring hotline callers to an appropriate specialized center or subnetworks within, or external to, the NSPL network;

(vii) Provide follow-up services to individuals accessing the 9-8-8 hotline consistent with guidance and policies established by the NSPL; and

(viii) Provide to the State Department of Mental Health and SAMHSA, as required, an annual report of the 9-8-8 suicide prevention and behavioral health crisis hotline's usage and the services provided;

(d) Appropriate the funds needed for the first year of 9-8-8 implementation and to make additional investments to enhance the crisis response system; and

(e) Maintain access to a statewide crisis system of care that is interconnected, effective and ensures a culturally and linguistically competent response to behavioral health crises.

SECTION 3. (1) There is created the Study Commission on the 9-8-8 Comprehensive Behavioral Health Crisis Response System to assess the statewide crisis response system and make recommendations to:

(a) Remove barriers to access behavioral health crisis services;

(b) Ensure that all residents receive a consistent and effective level of behavioral health crisis services no matter where they live, work or travel in the state;

(c) Adequately fund the crisis response services system statewide to support the sustainability of call centers and crisis services, looking at ongoing funding by Medicaid, federal and state revenue, or other funding sources;

(d) Propose strategies and policies for ongoing coordination with 911 and law enforcement; and

(e) Propose strategies for supporting investment in new technology to triage calls and link individuals to follow-up care.

(2) The study commission shall be comprised of the following members:

(a) The Executive Director of the State Department of Mental Health or his or her designee;

(b) The State Health Officer or the Deputy Director of the State Department of Health;

(c) The Mental Health Accessibility Coordinator or his or her designee;

(d) The Executive Director of the Mississippi Emergency Management Agency or his or her designee;

(e) The Commissioner of Public Safety or his or her designee;

(f) The Executive Director of the Division of Medicaid or his or her designee;

(g) The Chair of the Mississippi Public Service Commission or his or her designee;

(h) The Chair of the Senate Public Health and Welfare Committee or his or her designee;

(i) The Chair of the House Public Health and Human Services Committee or his or her designee;

(j) The Executive Director of the Mississippi Association of Police Chiefs;

(k) The Executive Director of the Mississippi Sheriff's Association;

(l) The Director of the Mississippi Center for Emergency Services or his or her designee; and

(m) A representative from the Mississippi Ambulance Alliance.

(3) The Study Commission shall meet within sixty (60) days after the effective date of this act, upon call of the Executive Director of the State Department of Mental Health, and members of the study commission shall meet at least two (2) times per year.

(4) Members of the commission shall not receive any compensation for serving on the commission.

(5) The study commission shall receive reports and updates from the 9-8-8 Planning Coalition and shall consult with the 9-8-8 Planning Coalition to obtain any information necessary to perform a comprehensive study of the statewide crisis response system.

(6) On or before November 1, 2023, the study commission shall prepare and submit a written report of its findings and recommendations to the Mississippi Legislature and the Office of the Governor, together with any proposed legislation necessary to implement its recommendations.

(7) Upon presentation of its report, the study commission shall be dissolved.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 811

Description: Memorial highways; designate in Rankin County, Mississippi.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Transportation; Appropriations
2	01/20	(H) DR - TSDP: TR To AP
3	01/27	(H) DR - TSDP: AP To TR
4	01/27	(H) Title Suff Do Pass
5	02/10	(H) Amended
6	02/10	(H) Passed As Amended {Vote}
7	02/11	(H) Transmitted To Senate
8	02/15	(S) Referred To Highways and Transportation
9	03/01	(S) Title Suff Do Pass
10	03/08	(S) Amended
11	03/08	(S) Passed As Amended {Vote}
12	03/09	(S) Returned For Concurrence
13	03/14	(H) Decline to Concur/Invite Conf
14	03/16	(H) Conferees Named Busby,Massengill,Arnold
15	03/22	(S) Conferees Named Branning,Kirby,England
16	03/25	(H) Conference Report Filed
17	03/25	(S) Conference Report Filed
18	03/27	(H) Conference Report Adopted {Vote}
19	03/29	(S) Conference Report Adopted {Vote}
20	03/31	(H) Enrolled Bill Signed
21	03/31	(S) Enrolled Bill Signed
22	04/14	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 811
Conference Reports:

Conference Report

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Weathersby
Additional Authors: Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bomgar, Bounds, Boyd, Brown (20th), Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Criswell, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Gunn, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Hopkins, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Scott, Shanks, Smith, Stamps, Steverson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, White, Williams-Barnes, Williamson, Wright, Yancey, Yates, Young, Zuber

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF U.S. HIGHWAY 80 IN RANKIN COUNTY, MISSISSIPPI, WITHIN THE CORPORATE LIMITS OF THE CITY OF BRANDON, AS THE "DEPUTY TRAVIS O. BIDDLE MEMORIAL HIGHWAY"; TO DESIGNATE A CERTAIN SEGMENT OF UNITED STATES HIGHWAY 80 IN RANKIN COUNTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PEARL, AS THE "RAY ROGERS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 811

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: The Entire Membership To: Transportation; Appropriations

HOUSE BILL NO. 811
(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF U.S. HIGHWAY 80 IN RANKIN COUNTY, MISSISSIPPI, WITHIN THE CORPORATE LIMITS OF THE CITY OF BRANDON, AS THE "DEPUTY TRAVIS O. BIDDLE MEMORIAL HIGHWAY"; TO DESIGNATE A CERTAIN SEGMENT OF UNITED STATES HIGHWAY 80 IN RANKIN COUNTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PEARL, AS THE "RAY ROGERS MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of U.S. Highway 80 located in Rankin County, Mississippi, within the corporate limits of the City of Brandon, from its intersection with Felicity Street easterly to its intersection with North Street, is designated and shall be known as the "Deputy Travis O. Biddle Memorial Highway.

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. (1) The segment of United States Highway 80 located in Rankin County, Mississippi, within the corporate limits of the City of Pearl, beginning at its intersection with Bierdeman Road and extending easterly to its intersection with Pirates Cove,

is designated and shall be known as the "Ray Rogers Memorial Highway".

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 821

Description: Nontransport emergency medical services; develop coordinated entity to provide statewide system for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Insurance
2	02/01	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Committee Substitute Adopted
5	02/09	(H) Passed {Vote}
6	02/10	(H) Transmitted To Senate
7	02/11	(S) Referred To Insurance
8	02/22	(S) Title Suff Do Pass As Amended
9	03/08	(S) Amended
10	03/08	(S) Passed As Amended {Vote}
11	03/09	(S) Returned For Concurrence
12	03/16	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Zuber,Ford (54th),Hale
14	03/23	(S) Conferees Named Michel,McLendon,DeLano
15	03/24	(H) Conference Report Filed
16	03/24	(S) Conference Report Filed
17	03/25	(H) Conference Report Adopted {Vote}
18	03/25	(S) Conference Report Adopted {Vote}
19	03/27	(H) Enrolled Bill Signed
20	03/27	(S) Enrolled Bill Signed
21	04/01	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 821

Conference Reports:
| Conference Report

Code Section: A 041-0059-0003, A 041-0059-0035, A 021-0001-0049

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Zuber
Additional Authors: Ford (54th), Hobgood-Wilkes

Title: AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO DEFINE NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION 41-59-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH AND MISSISSIPPI INSURANCE DEPARTMENT TO DEVELOP A COORDINATED ENTITY TO PROVIDE A STATEWIDE SYSTEM OF NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION 21-1-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF ANY MUNICIPALITY HAS BEEN ABOLISHED BASED ON THE FINDINGS OF THE FEDERAL CENSUS OF 2020 THAT INDICATE A MUNICIPALITY HAS LESS THAN FIFTY INHABITANTS, SUCH MUNICIPALITY SHALL HAVE ALL ITS RIGHTS AND PRIVILEGES TEMPORARILY RESTORED AS A MUNICIPALITY UPON PROVIDING DOCUMENTATION TO THE SECRETARY OF STATE THAT THE MUNICIPALITY HAS SUBMITTED ITS INTENT TO CHALLENGE SUCH FINDINGS; TO PROVIDE THAT IF THE UNITED STATES CENSUS BUREAU LATER FINDS THAT A MUNICIPALITY HAS FIFTY OR MORE INHABITANTS, THEN ALL SUCH RIGHTS AND PRIVILEGES OF THE MUNICIPALITY WILL BE RESTORED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Zuber, Ford (54th), Hobgood-Wilkes

To: Insurance

HOUSE BILL NO. 821
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO DEFINE NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION 41-59-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH AND MISSISSIPPI INSURANCE DEPARTMENT TO DEVELOP A COORDINATED ENTITY TO PROVIDE A STATEWIDE SYSTEM OF NONTRANSPORT EMERGENCY MEDICAL SERVICES; TO AMEND SECTION 21-1-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF ANY MUNICIPALITY HAS BEEN ABOLISHED BASED ON THE FINDINGS OF THE FEDERAL CENSUS OF 2020 THAT INDICATE A MUNICIPALITY HAS LESS THAN FIFTY INHABITANTS, SUCH MUNICIPALITY SHALL HAVE ALL ITS RIGHTS AND PRIVILEGES TEMPORARILY RESTORED AS A MUNICIPALITY UPON PROVIDING DOCUMENTATION TO THE SECRETARY OF STATE THAT THE MUNICIPALITY HAS SUBMITTED ITS INTENT TO CHALLENGE SUCH FINDINGS; TO PROVIDE THAT IF THE UNITED STATES CENSUS BUREAU LATER FINDS THAT A MUNICIPALITY HAS FIFTY OR MORE INHABITANTS, THEN ALL SUCH RIGHTS AND PRIVILEGES OF THE MUNICIPALITY WILL BE RESTORED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-59-3, Mississippi Code of 1972, is amended as follows:

41-59-3. As used in this chapter, unless the context otherwise requires, the term:

(a) "Ambulance" means any privately or publicly owned land or air vehicle that is especially designed, constructed, modified or equipped to be used, maintained and operated upon the streets, highways or airways of this state to assist persons who

are sick, injured, wounded, or otherwise incapacitated or helpless;

(b) "Permit" means an authorization issued for an ambulance vehicle and/or a special use EMS vehicle as meeting the standards adopted under this chapter;

(c) "License" means an authorization to any person, firm, corporation, or governmental division or agency to provide ambulance services in the State of Mississippi;

(d) "Emergency medical technician" means an individual who possesses a valid emergency medical technician's certificate issued under the provisions of this chapter or who has a privilege to practice under the Emergency Medical Services Personnel Licensure Interstate Compact;

(e) "Certificate" means official acknowledgment that an individual has successfully completed (i) the recommended basic emergency medical technician training course referred to in this chapter which entitles that individual to perform the functions and duties of an emergency medical technician, or (ii) the recommended medical first responder training course referred to in this chapter which entitles that individual to perform the functions and duties of a medical first responder;

(f) "Board" means the State Board of Health;

(g) "Department" means the State Department of Health, Division of Emergency Medical Services;

(h) "Executive officer" means the Executive Officer of the State Board of Health, or his designated representative;

(i) "First responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons;

(j) "Medical first responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons who (i) is trained to assist other EMS personnel by successfully completing, and remaining current in refresher training in accordance with, an approved "First Responder: National Standard Curriculum" training program, as developed and promulgated by the United States Department of Transportation; (ii) is nationally registered as a first responder by the National Registry of Emergency Medical Technicians; and (iii) is certified as a medical first responder by the State Department of Health, Division of Emergency Medical Services;

(k) "Invalid vehicle" means any privately or publicly owned land or air vehicle that is maintained, operated and used only to transport persons routinely who are convalescent or otherwise nonambulatory and do not require the service of an emergency medical technician while in transit;

(l) "Special use EMS vehicle" means any privately or publicly owned land, water or air emergency vehicle used to

support the provision of emergency medical services. These vehicles shall not be used routinely to transport patients;

(m) "Trauma care system" or "trauma system" means a formally organized arrangement of health care resources that has been designated by the department by which major trauma victims are triaged, transported to and treated at trauma care facilities;

(n) "Trauma care facility" or "trauma center" means a hospital located in the State of Mississippi or a Level I trauma care facility or center located in a state contiguous to the State of Mississippi that has been designated by the department to perform specified trauma care services within a trauma care system pursuant to standards adopted by the department;

(o) "Trauma registry" means a collection of data on patients who receive hospital care for certain types of injuries. Such data are primarily designed to ensure quality trauma care and outcomes in individual institutions and trauma systems, but have the secondary purpose of providing useful data for the surveillance of injury morbidity and mortality;

(p) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, psychiatric disturbances and/or symptoms of substance abuse, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or, with respect

to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(q) "Emergency medical call" means a situation that is presumptively classified at time of dispatch to have a high index of probability that an emergency medical condition or other situation exists that requires medical intervention as soon as possible to reduce the seriousness of the situation, or when the exact circumstances are unknown, but the nature of the request is suggestive of a true emergency where a patient may be at risk;

(r) "Emergency response" means responding immediately at the basic life support or advanced life support level of service to an emergency medical call. An immediate response is one in which the ambulance supplier begins as quickly as possible to take the steps necessary to respond to the call;

(s) "Emergency mode" means an ambulance or special use EMS vehicle operating with emergency lights and warning siren (or warning siren and air horn) while engaged in an emergency medical call.

(t) "Nontransport emergency medical services" (NTEMS) means the provision of initial assessment and medical intervention with sick, wounded or otherwise incapacitated persons, performed by a medically trained person or team of persons, prior to the availability of and intervention by an ambulance service. NTEMS are typically rendered at the location of first contact with a

patient, and do not include transportation and care during transit to a medical facility, NTEMS providers are "EMS personnel" as referenced in the provisions of Chapters 59 and 60, Title 41 upon meeting the training and certification requirements for emergency medical technicians.

SECTION 2. Section 41-59-35, Mississippi Code of 1972, is amended as follows:

41-59-35. (1) An emergency medical technician certificate so issued shall be valid for a period not exceeding two (2) years from the date of issuance and may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board, provided that the holder meets the qualifications set forth in this Chapter 59 and Chapter 60 and rules and regulations promulgated by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) The board is authorized to suspend or revoke a certificate so issued at any time it is determined that the holder no longer meets the prescribed qualifications.

(3) It shall be unlawful for any person, corporation or association to, in any manner, represent himself, herself or itself as an Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, or use in connection with his or its name

the words or letters of EMT, emt, paramedic, critical care paramedic, or any other letters, words, abbreviations or insignia which would indicate or imply that he, she or it is an Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, unless certified in accordance with Chapters 59 and 60 of this title and in accordance with the rules and regulations promulgated by the board; or a person who has a privilege to practice under the Emergency Medical Services Personnel Licensure Interstate Compact. It shall be unlawful to employ an uncertified Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, or Emergency Medical Technician-Paramedic Critical Care to provide basic or advanced life-support services.

(4) The department may develop, in conjunction with the Mississippi Insurance Department, a coordinated entity to provide a statewide system of nontransport emergency medical services for emergency medical personnel governed by the Division of Emergency Medical Services that includes medical control protocols, a quality management system, charting platform and data reporting system.

(* * *5) An EMT, EMT-A, EMR, or Paramedic may transport a police dog injured in the line of duty to a veterinary clinic, hospital emergency department or similar facility if there are no

persons requiring medical attention or transport at that time. For the purposes of this subsection, "police dog" means a dog owned or used by a law enforcement department or agency in the course of the department or agency's work, including a search and rescue dog, service dog, accelerant detection canine, or other dog that is in use by a county, municipal, or state law enforcement agency.

(* * *6) Any Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver who violates or fails to comply with these statutes or the rules and regulations promulgated by the board under these statutes shall be subject, after due notice and hearing, to an administrative fine not to exceed One Thousand Dollars ($1,000.00).

SECTION 3. Section 21-1-49, Mississippi Code of 1972, is amended as follows:

21-1-49. (1) In the event any census taken under an act of Congress shall show that any municipality contains less than fifty (50) inhabitants, then such municipality shall be automatically abolished and all its rights and powers as a municipal corporation shall thereupon cease. In such cases it shall be the duty of the Secretary of State to make an appropriate notation on the records of such municipal corporation in his office showing that such municipal corporation has been abolished because of having less

than fifty (50) inhabitants, and he shall forthwith send a notice to the municipal authorities advising them of such fact, and shall send a copy of the notice to the chancery clerk of the county in which such municipality is located. However, the failure of the Secretary of State to make such notation or to send such notice shall not prevent the abolition of such municipal corporation as is herein provided, but such abolition shall result automatically from the fact that the census shows that such municipal corporation has less than fifty (50) inhabitants.

(2) Any municipality having not less than fifty (50) inhabitants and having heretofore been abolished under the federal census of 1970 by operation of language formerly employed in this section providing for such abolition should a municipality contain less than ninety-two (92) inhabitants, is hereby restored to all rights and privileges as a municipality after the most recent governing authority of the municipality gives notice to the Secretary of State that such municipality desires to be restored to all rights and privileges as a municipality.

(3) Any municipality having less than fifty (50) inhabitants and having heretofore been abolished under the federal census of 2020 in accordance with subsection (1) of this section, shall be temporarily restored of all rights and privileges as a municipality upon providing documentation to the Secretary of State that the municipality has submitted its intent to challenge the findings of the federal census of 2020 in accordance with the

procedures of the United States Census Bureau, or any successor agency. Upon a finding by the United States Census Bureau, or any successor agency, that the municipality has fifty (50) or more inhabitants, the municipality will be restored to all rights and privileges as a municipality.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 881

Description: University-based programs of education for children with developmental disabilities; revise certain provisions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Education
2	01/31	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/11	(S) Referred To Education; Appropriations
7	02/23	(S) DR - TSDPAA: ED To AP
8	03/01	(S) Title Suff Do Pass As Amended
9	03/09	(S) Amended
10	03/09	(S) Passed As Amended {Vote}
11	03/10	(S) Returned For Concurrence
12	03/16	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Bennett,McCarty,McGee
14	03/23	(S) Conferees Named DeBar,Blount,Boyd
15	03/28	(S) Conference Report Filed
16	03/28	(H) Conference Report Filed
17	03/30	(H) Conference Report Adopted {Vote}
18	03/30	(S) Conference Report Adopted {Vote}
19	03/30	(S) Motion to Reconsider Entered
20	04/01	(S) Motion to Reconsider Tabled
21	04/04	(H) Enrolled Bill Signed
22	04/04	(S) Enrolled Bill Signed
23	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 881

Conference Reports:

| Conference Report

Code Section: A 037-0023-0031, A 037-0023-0033, A 037-0023-0035

----- Additional Information -----

House Committee: Education
Senate Committee: Education, Appropriations

Principal Author: McGee
Additional Authors: McCarty, Bennett, Roberson, Massengill, Stamps, Carpenter

Title: AN ACT TO AMEND SECTION 37-23-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE STUDENTS WITH SIGNIFICANT DEVELOPMENTAL DISABILITIES, COMPLEX COMMUNICATION NEEDS, SIGNIFICANT LANGUAGE OR LEARNING DEFICITS, WHO ARE UNABLE TO SUFFICIENTLY HAVE THEIR EDUCATIONAL NEEDS MET WITHIN THEIR PUBLIC SCHOOL'S REGULAR OR SPECIAL EDUCATION PROGRAM, TO RECEIVE EDUCATIONAL INSTRUCTION, TRAINING AND SPECIAL EDUCATION SERVICES FROM A STATE-SUPPORTED UNIVERSITY OR COLLEGE AUTHORIZED BY THE STATE DEPARTMENT OF EDUCATION TO PROVIDE SUCH INSTRUCTION AND TRAINING; TO AUTHORIZE QUALIFIED INSTRUCTORS WHO HOLD THE APPROPRIATE LICENSURE ENDORSEMENTS TO SERVE AS THE LEAD TEACHER FOR CHILDREN ENROLLED WITHIN THE UNIVERSITY-BASED PROGRAM (UBP) THROUGH THE IDEA-PART C AND IDEA-PART B ELIGIBILITY AND PLACEMENT PROCESS; TO PROVIDE THAT THE JUSTIFICATION FOR THE PLACEMENT OF EXCEPTIONAL STUDENTS AGES 3 TO 21 IS DETERMINED IN CONJUNCTION WITH THE LOCAL EDUCATION AGENCY THROUGH THE STUDENT'S IEP; TO AMEND SECTION 37-23-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SPEECH-LANGUAGE PATHOLOGISTS, EDUCATIONAL AUDIOLOGISTS AND SPECIAL AND EARLY CHILDHOOD EDUCATORS WHO MEET CERTAIN QUALIFICATIONS TO SERVE AS A LEAD TEACHER IN A UNIVERSITY-BASED PROGRAM; TO REQUIRE UNIVERSITY-BASED PROGRAMS TO SUBMIT REPORTS TO THE STATE DEPARTMENT OF EDUCATION AT THE SAME TIME THAT SUCH REPORTS ARE SUBMITTED BY LOCAL EDUCATION AGENCIES; TO AMEND SECTION 37-23-35, MISSISSIPPI CODE OF 1972, TO REQUIRE IDEA-PART B AND PRESCHOOL ALLOCATIONS FOR EACH LOCAL EDUCATION AGENCY TO BE CALCULATED BY THE STATE DEPARTMENT OF EDUCATION; TO REQUIRE A COLLABORATIVE AGREEMENT BETWEEN THE LOCAL EDUCATION AGENCY AND THE UBP; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE ALL NECESSARY STATE FUNDS DIRECTLY TO THE STATE-SUPPORTED UNIVERSITY OR COLLEGE; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 881

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives McGee, McCarty, Bennett, Roberson, Massengill, Stamps, Carpenter

To: Education

HOUSE BILL NO. 881
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-23-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE STUDENTS WITH SIGNIFICANT DEVELOPMENTAL DISABILITIES, COMPLEX COMMUNICATION NEEDS, SIGNIFICANT LANGUAGE OR LEARNING DEFICITS, WHO ARE UNABLE TO SUFFICIENTLY HAVE THEIR EDUCATIONAL NEEDS MET WITHIN THEIR PUBLIC SCHOOL'S REGULAR OR SPECIAL EDUCATION PROGRAM, TO RECEIVE EDUCATIONAL INSTRUCTION, TRAINING AND SPECIAL EDUCATION SERVICES FROM A STATE-SUPPORTED UNIVERSITY OR COLLEGE AUTHORIZED BY THE STATE DEPARTMENT OF EDUCATION TO PROVIDE SUCH INSTRUCTION AND TRAINING; TO AUTHORIZE QUALIFIED INSTRUCTORS WHO HOLD THE APPROPRIATE LICENSURE ENDORSEMENTS TO SERVE AS THE LEAD TEACHER FOR CHILDREN ENROLLED WITHIN THE UNIVERSITY-BASED PROGRAM (UBP) THROUGH THE IDEA-PART C AND IDEA-PART B ELIGIBILITY AND PLACEMENT PROCESS; TO PROVIDE THAT THE JUSTIFICATION FOR THE PLACEMENT OF EXCEPTIONAL STUDENTS AGES 3 TO 21 IS DETERMINED IN CONJUNCTION WITH THE LOCAL EDUCATION AGENCY THROUGH THE STUDENT'S IEP; TO AMEND SECTION 37-23-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SPEECH-LANGUAGE PATHOLOGISTS, EDUCATIONAL AUDIOLOGISTS AND SPECIAL AND EARLY CHILDHOOD EDUCATORS WHO MEET CERTAIN QUALIFICATIONS TO SERVE AS A LEAD TEACHER IN A UNIVERSITY-BASED PROGRAM; TO REQUIRE UNIVERSITY-BASED PROGRAMS TO SUBMIT REPORTS TO THE STATE DEPARTMENT OF EDUCATION AT THE SAME TIME THAT SUCH REPORTS ARE SUBMITTED BY LOCAL EDUCATION AGENCIES; TO AMEND SECTION 37-23-35, MISSISSIPPI CODE OF 1972, TO REQUIRE IDEA-PART B AND PRESCHOOL ALLOCATIONS FOR EACH LOCAL EDUCATION AGENCY TO BE CALCULATED BY THE STATE DEPARTMENT OF EDUCATION; TO REQUIRE A COLLABORATIVE AGREEMENT BETWEEN THE LOCAL EDUCATION AGENCY AND THE UBP; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE ALL NECESSARY STATE FUNDS DIRECTLY TO THE STATE-SUPPORTED UNIVERSITY OR COLLEGE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-23-31, Mississippi Code of 1972, is amended as follows:

37-23-31. (1) (a) When five (5) or more children under twenty-one (21) years of age who, because of * * * significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination of either, are unable to have their educational needs met appropriately in a regular or special education public school program * * * within their local public school districts, a state-supported university or college shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children, provided that such program shall operate under rules, regulations, policies and standards adopted by the State Department of Education, as provided for in Section 37-23-33. The opinion of a parent or guardian in regard to the provision of an appropriate special education program in or by their respective local public school district shall be considered before a placement decision is finalized. Parents of students enrolled in a local education agency (LEA) shall have any and all rights as provided in the Individuals with Disabilities Education Act, including, but not limited to, the right to equal participation in their child's Individualized Education Program (IEP), the right to require review of their child's IEP, and the right to appeal an IEP Committee decision immediately. The parent or guardian or local

educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

(b) Instructors, including speech-language pathologists, educational audiologists and special and early childhood educators are qualified and empowered to serve as the lead teacher for children enrolled within the state-supported university's or college's university-based program (UBP) through the IDEA-Part C and IDEA-Part B eligibility and placement process upon completing instructional licensure requirements for the purposes of funding MAEP special education teacher units.

(c) Due to the significance of the needs of the children served through the UBP, general education setting requirements may not be applicable as the least restrictive environment. Students enrolled in a UBP by a LEA shall meet all state educational requirements, including participation in statewide assessments. Justification for placement decisions is determined in conjunction with the LEA through each child's IEP for ages three (3) to twenty-one (21). The UBP shall submit to the local education agency and the parents of the student in the program a progress report each semester on all IEP goals and

objectives. The UBP and local education agency shall confer annually to develop the IEP for each student enrolled in the UBP.

(2) Any state-supported university or college conducting a full-time medical teaching program acceptable to the State Board of Education may, at its discretion, enter into such contracts or agreements with any private school or nonprofit corporation-supported institution, the Mississippi School for the Deaf, or any state-supported institution, providing the special education contemplated by this section for such services, provided the private school or institution offering such services shall have conducted a program of such services at standards acceptable to the State Department of Education for a period of at least one (1) year prior to the date at which the university or college proposes to enter into an agreement or contract for special educational services as described above.

SECTION 2. Section 37-23-33, Mississippi Code of 1972, is amended as follows:

37-23-33. (1) Such program of education, instruction and training as is provided for in Section 37-23-31 shall be furnished in such manner as shall be provided by rules and regulations adopted by the State Board of Education, which for such purposes shall have the full power to adopt such rules, regulations, policies and standards as it may deem necessary to carry out the purpose of Sections 37-23-31 through 37-23-35, including the establishment of qualifications * * * consistent with the

requirements of subsection (2) of this section for any teachers employed under the provisions thereof. It is expressly provided, however, that no program of education, instruction and training shall be furnished except in a university or college supported by the State of Mississippi and only in cases where such university or college shall consent thereto and shall provide any classroom space, furniture and facilities which may be deemed necessary in carrying out the provisions of those sections.

(2) Speech-language pathologists, educational audiologists, and special and early childhood educators are qualified and authorized to serve as the lead teacher for children enrolled in a university or college-based program through the IDEA-Part C and IDEA-Part B eligibility and placement process. Whenever communication is a primary area of concern on a child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP), a speech-language pathologist or educational audiologist may serve as the lead instructor with an educator serving as a related service provider as necessary to meet the educational needs of the child. Speech-language pathologists and educational audiologists must undergo extensive college coursework in communication-based disorders impacting multiple areas of development, including cognition. The content of the college coursework must include typical and atypical development for ages birth through death. In addition to completing the college coursework, these instructional providers

must meet all instructional licensure requirements as set forth by the State Department of Education for the purpose of funding MAEP special education teacher units.

(3) The State Department of Education through its general supervision responsibilities set forth by the Office of Special Education Programs at the United States Department of Education, shall require that the program of education, instruction and training be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success.

(4) A university- or college-based program must submit all reports and data required by the State Department of Education on the same or similar time schedule and in the same or similar manner that same or similar reports and data must be submitted to the department by local educational agencies.

SECTION 3. Section 37-23-35, Mississippi Code of 1972, is amended as follows:

37-23-35. (1) When any children who are residents of the State of Mississippi and qualify under the provisions of Section 37-23-31, * * * are provided a program of education, instruction and training within a school under the provisions of * * * Section 37-23-31, the State Department of Education shall allocate one (1) teacher unit for each approved class. The allocation of funds for each teacher unit shall be based on the teacher's certification and shall be in accordance with * * * Section 37-19-7. The

department shall complete provisional teacher unit approval for university or college-based programs at the same time teacher units are approved for local educational agencies. The university or college shall be eligible for state and federal funds for such programs * * * in accordance with IDEA. The university or college shall be responsible for providing for the additional costs of the program.

(2) IDEA-Part B and preschool allocations for each LEA shall be determined and calculated by the State Department of Education with notification provided to the UBP of the total amount of funds being distributed to the LEA. The LEA and UBP shall enter into a collaborative agreement that describes the services provided and the funds required for such services.

(3) State funds for transportation, extended school year and teacher unit allocations, including National Board Certification/Speech-Language Pathology Supplements, shall be distributed by the State Department of Education directly to the state-supported university or college for students placed either through the Individualized Education Program (IEP) process or who are parentally placed. The university-based program (UBP) shall submit this information directly to the State Department of Education.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 906

Description: State offenders serving sentences in county jail; may serve sentences in any county jail.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Corrections
2	01/26	(H) Title Suff Do Pass Comm Sub
3	01/27	(H) Committee Substitute Adopted
4	01/27	(H) Passed {Vote}
5	01/28	(H) Transmitted To Senate
6	02/11	(S) Referred To Corrections; Accountability, Efficiency, Transparency
7	02/28	(S) DR - TSDPAA: CR To AC
8	03/01	(S) Title Suff Do Pass As Amended
9	03/08	(S) Amended
10	03/08	(S) Passed As Amended {Vote}
11	03/09	(S) Returned For Concurrence
12	03/14	(H) Decline to Concur/Invite Conf
13	03/18	(H) Conferees Named Horan,Goodin,Rosebud
14	03/21	(S) Conferees Named Barnett,Parker,Sparks
15	03/28	(S) Conference Report Filed
16	03/28	(H) Conference Report Filed
17	03/29	(H) Conference Report Adopted {Vote}
18	03/29	(S) Conference Report Adopted {Vote}
19	03/31	(H) Enrolled Bill Signed
20	04/01	(S) Enrolled Bill Signed
21	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 906

Conference Reports:

| Conference Report

Code Section: A 047-0005-0903

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections, Accountability, Efficiency, Transparency

Principal Author: Horan

Title: AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON WHO IS COMMITTED, SENTENCED OR PLACED UNDER THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS MAY SERVE HIS OR HER SENTENCE IN ANY COUNTY JAIL IF CERTAIN CONDITIONS ARE MET; TO AUTHORIZE THE DEPARTMENT TO REIMBURSE ANY COUNTY FOR THE EXPENSE OF HOUSING STATE OFFENDERS IN ANY COUNTY JAIL; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 906

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Horan To: Corrections

HOUSE BILL NO. 906
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON WHO IS COMMITTED, SENTENCED OR PLACED UNDER THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS MAY SERVE HIS OR HER SENTENCE IN ANY COUNTY JAIL IF CERTAIN CONDITIONS ARE MET; TO AUTHORIZE THE DEPARTMENT TO REIMBURSE ANY COUNTY FOR THE EXPENSE OF HOUSING STATE OFFENDERS IN ANY COUNTY JAIL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-903, Mississippi Code of 1972, is amended as follows:

47-5-903. (1) A person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court, may serve his or her sentence in * * * any county jail * * * if all of the following conditions are complied with:

(a) The person must be classified in accordance with Section 47-5-905;

(b) The person must not be classified as in need of close supervision;

(c) The sheriff of the county where the person will serve his or her sentence must request in writing that the person be allowed to serve his or her sentence in that county jail;

(d) After the person is classified and returned to the county, the county shall assume the full and complete responsibility for the care and expenses of housing such person; and

(e) The county jail must be an approved county jail for housing state inmates under federal court order.

(2) This section does not apply to inmates housed in county jails due to lack of space at state correctional facilities. The department * * * may reimburse the county for the expense of housing an inmate under this section.

(3) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(4) The state, the Department of Corrections, and its employees or agents, shall not be liable to any person or entity for an inmate held in a county jail under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 918

Description: Alcoholic beverages; authorize issuance of food truck permit, revise distance restrictions for certain locations.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Ways and Means
2	01/26	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/02	(H) Motion to Reconsider Entered (Steverson, Lamar)
5	02/02	(H) Motion to Reconsider W/Drawn
6	02/03	(H) Transmitted To Senate
7	02/17	(S) Referred To Finance
8	03/01	(S) Title Suff Do Pass As Amended
9	03/09	(S) Amended
10	03/09	(S) Passed As Amended {Vote}
11	03/10	(S) Returned For Concurrence
12	03/17	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Lamar,Roberson,Zuber
14	03/24	(S) Conferees Named Harkins,Johnson,Simmons (12th)
15	03/28	(H) Conference Report Filed
16	03/28	(S) Conference Report Filed
17	03/29	(H) Conference Report Adopted {Vote}
18	03/29	(S) Conference Report Adopted {Vote}
19	03/31	(H) Enrolled Bill Signed
20	04/01	(S) Enrolled Bill Signed
21	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 918

Conference Reports:

Conference Report

Code Section: A 067-0001-0051, A 027-0071-0005

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: McGee
Additional Authors: Faulkner, Karriem

Title: AN ACT TO CREATE A FOOD TRUCK PERMIT UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW TO AUTHORIZE THE HOLDER OF AN ON-PREMISES RETAILER'S PERMIT TO USE A FOOD TRUCK TO SELL ALCOHOLIC BEVERAGES OFF ITS PREMISES TO GUESTS WHO MUST CONSUME THE BEVERAGES IN OPEN CONTAINERS; TO DEFINE THE TERM "FOOD TRUCK"; TO PROVIDE THAT FOOD TRUCKS MUST MAINTAIN SUCH DISTANCE REQUIREMENTS FROM SCHOOLS, CHURCHES, KINDERGARTENS AND FUNERAL HOMES AS ARE REQUIRED FOR ON-PREMISES RETAILER'S PERMITTEES AND THAT SALES MUST BE MADE WITHIN A VALID LEISURE AND RECREATION DISTRICT; TO PROVIDE THAT FOOD TRUCKS CANNOT SELL OR SERVE ALCOHOLIC BEVERAGES UNLESS ALSO OFFERING FOOD PREPARED AND COOKED WITHIN THE FOOD TRUCK AND PERMITTEES MUST MAINTAIN A 25% FOOD SALE REVENUE REQUIREMENT BASED ON THE FOOD SOLD FROM A FOOD TRUCK ALONE; TO PROVIDE THAT A FOOD TRUCK PERMIT HOLDER MUST PROVIDE NOTICE OF NOT LESS THAN 48 HOURS TO THE DEPARTMENT OF REVENUE OF EACH LOCATION AT WHICH ALCOHOLIC BEVERAGES WILL BE SOLD; TO PROVIDE THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC BEVERAGES AT CERTAIN LOCATIONS; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A FOOD TRUCK PERMIT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 918

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives McGee, Faulkner, Karriem To: Ways and Means

HOUSE BILL NO. 918
(As Sent to Governor)

AN ACT TO CREATE A FOOD TRUCK PERMIT UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW TO AUTHORIZE THE HOLDER OF AN ON-PREMISES RETAILER'S PERMIT TO USE A FOOD TRUCK TO SELL ALCOHOLIC BEVERAGES OFF ITS PREMISES TO GUESTS WHO MUST CONSUME THE BEVERAGES IN OPEN CONTAINERS; TO DEFINE THE TERM "FOOD TRUCK"; TO PROVIDE THAT FOOD TRUCKS MUST MAINTAIN SUCH DISTANCE REQUIREMENTS FROM SCHOOLS, CHURCHES, KINDERGARTENS AND FUNERAL HOMES AS ARE REQUIRED FOR ON-PREMISES RETAILER'S PERMITTEES AND THAT SALES MUST BE MADE WITHIN A VALID LEISURE AND RECREATION DISTRICT; TO PROVIDE THAT FOOD TRUCKS CANNOT SELL OR SERVE ALCOHOLIC BEVERAGES UNLESS ALSO OFFERING FOOD PREPARED AND COOKED WITHIN THE FOOD TRUCK AND PERMITTEES MUST MAINTAIN A 25% FOOD SALE REVENUE REQUIREMENT BASED ON THE FOOD SOLD FROM A FOOD TRUCK ALONE; TO PROVIDE THAT A FOOD TRUCK PERMIT HOLDER MUST PROVIDE NOTICE OF NOT LESS THAN 48 HOURS TO THE DEPARTMENT OF REVENUE OF EACH LOCATION AT WHICH ALCOHOLIC BEVERAGES WILL BE SOLD; TO PROVIDE THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC BEVERAGES AT CERTAIN LOCATIONS; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A FOOD TRUCK PERMIT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a

store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course

of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie

adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to

consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from

package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the

application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable

statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or

affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall

authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with

an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be

consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during

private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product

manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic

beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2)

consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of

Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 67-1-51.1, this permit authorizes the permittee, or its employee or an independent

contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(v) **Food truck permit.** A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized. Food trucks shall maintain such distance requirements from schools, churches, kindergartens and funeral homes as are required

for on-premises retailer's permittees under this chapter, and all sales must be made within a valid leisure and recreation district established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a twenty-five percent (25%) food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale shall be the same as those for on-premises retailer's permittees in the location. This permit will not be required for the holder of a caterer's permit issued under this chapter to cater an event as allowed by law. Permittees must provide notice of not less than forty-eight (48) hours to the department of each location at which alcoholic beverages will be sold.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) (a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

(b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing

issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(c) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(d) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section 67-1-5(o)(iii)32.

(e) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a

municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.

(f) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.

(g) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at the southeast corner of Ward and Tate Streets in the City of Senatobia, Mississippi.

(h) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a theatre facility that features plays and other theatrical performances and productions and (i) is capable of seating more than seven hundred fifty (750) people, (ii) is owned by a municipality which has a population greater than ten thousand (10,000) according to the latest federal decennial census, (iii) was constructed prior to 1930, (iv) is on the National Register of Historic Places and (v) is located in a historic district.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a

stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 2. Section 27-71-5, Mississippi Code of 1972, is amended as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

(a) Except as otherwise provided in this subsection (1), manufacturer's permit, Class 1, distiller's and/or rectifier's:

(i) For a permittee with annual production of five thousand (5,000) gallons or more.....$4,500.00

(ii) For a permittee with annual production under five thousand (5,000) gallons.....$2,800.00

(b) Manufacturer's permit, Class 2, wine manufacturer.....$1,800.00

(c) Manufacturer's permit, Class 3, native wine manufacturer per ten thousand (10,000) gallons or part thereof produced.....$ 10.00

(d) Manufacturer's permit, Class 4, native spirit manufacturer per one thousand (1,000) gallons or part thereof produced.....$ 300.00

(e) Native wine retailer's permit.....$ 50.00

(f) Package retailer's permit, each.....$ 900.00

(g) On-premises retailer's permit, except for clubs and common carriers, each.....$ 450.00

(h) On-premises retailer's permit for wine of more than five percent (5%) alcohol by weight, but not more than twenty-one percent (21%) alcohol by weight, each.....$ 225.00

(i) On-premises retailer's permit for clubs...$ 225.00

(j) On-premises retailer's permit for common carriers, per car, plane, or other vehicle.....$ 120.00

(k) Solicitor's permit, regardless of any other provision of law, solicitor's permits shall be issued only in the discretion of the department.....$ 100.00

(l) Filing fee for each application except for an employee identification card.....$ 25.00

(m) Temporary permit, Class 1, each.....$ 10.00

(n) Temporary permit, Class 2, each.....$ 50.00

(o) (i) Caterer's permit.....$ 600.00

(ii) Caterer's permit for holders of on-premises retailer's permit.....$ 150.00

(p) Research permit.....$ 100.00

(q) Temporary permit, Class 3 (wine only).....$ 10.00

(r) Special service permit.....$ 225.00

(s) Merchant permit.....$ 225.00

(t) Temporary alcoholic beverages charitable auction permit.....$ 10.00

(u) Event venue retailer's permit.....$ 225.00

(v) Temporary theatre permit, each.....$ 10.00

(w) Charter ship operator's permit.....$ 100.00

(x) Distillery retailer's permit.....$ 450.00

(y) Festival wine permit.....$ 10.00

(z) Charter vessel operator's permit.....$ 100.00

(aa) Native spirit retailer's permit.....$ 50.00

(bb) Delivery service permit.....$ 500.00

(cc) Food truck permit.....$ 100.00

In addition to the filing fee imposed by paragraph (l) of this subsection, a fee to be determined by the Department of Revenue may be charged to defray costs incurred to process applications. The additional fees shall be paid into the State Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

All privilege taxes imposed by this section shall be paid in advance of doing business. A new permittee whose privilege tax is determined by production volume will pay the tax for the first year in accordance with department regulations. The additional privilege tax imposed for an on-premises retailer's permit based upon purchases shall be due and payable on demand.

Paragraph (y) of this subsection shall stand repealed from and after July 1, 2023.

(2) (a) There is imposed and shall be collected from each permittee, except a common carrier, solicitor, a temporary permittee or a delivery service permittee, by the department, an additional license tax equal to the amounts imposed under subsection (1) of this section for the privilege of doing business within any municipality or county in which the licensee is located.

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(g), (h), (i), (n) and (u) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars ($225.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(o) and (s) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty

Dollars ($250.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit is renewed, may add any unused fraction of Five Thousand Dollars ($5,000.00) purchases to the first Five Thousand Dollars ($5,000.00) purchases authorized by the renewal permit, and no additional license tax will be required until purchases exceed the sum of the two (2) figures.

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such decision shall be final. Appeal may be made in the manner provided by Section 67-1-39. Another application from an applicant who has been denied a permit shall not be reconsidered within a twelve-month period.

(4) The number of permits issued by the department shall not be restricted or limited on a population basis; however, the foregoing limitation shall not be construed to preclude the right of the department to refuse to issue a permit because of the undesirability of the proposed location.

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager thereof displays in several conspicuous places inside the establishment and at the entrances of establishment a sign containing the following language: NO ALCOHOLIC BEVERAGES ALLOWED.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 919

Description: MDOC; require to establish a certain leasing policy with DFA for agricultural equipment.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Corrections
2	01/26	(H) Title Suff Do Pass
3	01/27	(H) Passed {Vote}
4	01/28	(H) Transmitted To Senate
5	02/11	(S) Referred To Corrections
6	02/24	(S) Title Suff Do Pass As Amended
7	03/07	(S) Amended
8	03/07	(S) Passed As Amended {Vote}
9	03/08	(S) Motion to Reconsider Entered
10	03/10	(S) Motion to Reconsider Tabled
11	03/10	(S) Returned For Concurrence
12	03/18	(H) Decline to Concur/Invite Conf
13	03/21	(H) Conferees Named Horan,Mickens,Roberson
14	03/21	(S) Conferees Named Barnett,Norwood,Whaley
15	03/26	(H) Conference Report Filed
16	03/26	(S) Conference Report Filed
17	03/27	(H) Conference Report Adopted {Vote}
18	03/27	(S) Conference Report Adopted {Vote}
19	03/29	(H) Enrolled Bill Signed
20	03/29	(S) Enrolled Bill Signed
21	04/05	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 919

Conference Reports:

| Conference Report

Code Section: A 047-0005-0357

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections

Principal Author: Horan

Title: AN ACT TO AMEND SECTION 47-5-357, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE DEPARTMENT OF CORRECTIONS SHALL ESTABLISH A LEASING POLICY FOR AGRICULTURAL EQUIPMENT WHICH MAY BE EXEMPT FROM CERTAIN BID REQUIREMENTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Horan To: Corrections

HOUSE BILL NO. 919
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-357, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE DEPARTMENT OF CORRECTIONS SHALL ESTABLISH A LEASING POLICY FOR AGRICULTURAL EQUIPMENT WHICH MAY BE EXEMPT FROM CERTAIN BID REQUIREMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-357, Mississippi Code of 1972, is amended as follows:

47-5-357. (1) (a) Due to the unique and time sensitive requirements of growing and harvesting products produced by the prison agricultural enterprises, the Department of Finance and Administration and the department shall establish a prudent purchasing policy which may exempt from bid requirements those commodities, items or services which are needed for the efficient and effective management of the prison agricultural enterprises.

(b) Due to the unique and time sensitive requirements of growing and harvesting products produced by the prison agricultural enterprises, the Department of Finance and Administration and the department shall establish a prudent

leasing policy which may exempt from bid requirements agricultural equipment which is needed for the efficient and effective management of the prison agricultural enterprises.

(2) The Department of Finance and Administration shall, by order entered on its minutes, list those commodities, items and services exempted from bid requirements as provided in Section 31-7-12 * * *.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 933

Description: Homeowners' associations; regulate managing agents of and provide certain requirements for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Banking and Financial Services
2	02/01	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Committee Substitute Adopted
4	02/08	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/11	(S) Referred To Business and Financial Institutions
7	02/22	(S) Title Suff Do Pass
8	03/09	(S) Passed {Vote}
9	03/10	(S) Returned For Enrolling
10	03/14	(H) Enrolled Bill Signed
11	03/15	(S) Enrolled Bill Signed
12	03/22	Approved by Governor

Code Section: A 079-0011-0751, A 079-0011-0753, A 079-0011-0757, A 079-0011-0759, BF 079-0011-0755

----- Additional Information -----

House Committee: Banking and Financial Services
Senate Committee: Business and Financial Institutions

Principal Author: Yancey

Title: AN ACT TO AMEND SECTION 79-11-751, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT BOARD APPROVAL FOR TRANSFERS OF FUNDS GREATER THAN $10,000.00 IS NOT REQUIRED TO BE IN WRITTEN FORM; TO AMEND SECTION 79-11-753, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AT ALL REGULARLY SCHEDULED MEETINGS, THE BOARD OF A HOMEOWNERS ASSOCIATION IS ONLY REQUIRED TO REVIEW THE LATEST ACCOUNT

STATEMENTS PREPARED BY THE FINANCIAL INSTITUTIONS WHERE THE ASSOCIATION HAS ITS OPERATING AND RESERVE ACCOUNTS; TO REMOVE THE DEFINITION FOR REMOTE COMMUNICATION; TO AMEND SECTION 79-11-757, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT BOARD APPROVAL FOR TRANSFERS OF FUNDS GREATER THAN $10,000.00 IS NOT REQUIRED TO BE IN WRITTEN FORM; TO AMEND SECTION 79-11-759, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY MAINTAIN COMPARABLE INSURANCE COVERAGE FOR ITS DIRECTORS AND OFFICERS AS AN ALTERNATIVE TO FIDELITY BOND COVERAGE; TO PROVIDE THAT THE MANAGING AGENT IS SOLELY RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO PROVIDE THAT ANY BANK OR SAVINGS ASSOCIATION WITH WHOM A TRUST FUND ACCOUNT IS OPENED SHALL BE HELD HARMLESS FROM ANY LIABILITIES, COSTS, EXPENSES, OR FEES INCURRED BY SUCH BANK OR SAVINGS ASSOCIATION AS A RESULT OF ANY ACTION BROUGHT UNDER THIS ACT; TO BRING FORWARD SECTION 79-11-755, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 933

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representative Yancey — To: Banking and Financial Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 933

AN ACT TO AMEND SECTION 79-11-751, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT BOARD APPROVAL FOR TRANSFERS OF FUNDS GREATER THAN $10,000.00 IS NOT REQUIRED TO BE IN WRITTEN FORM; TO AMEND SECTION 79-11-753, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AT ALL REGULARLY SCHEDULED MEETINGS, THE BOARD OF A HOMEOWNERS ASSOCIATION IS ONLY REQUIRED TO REVIEW THE LATEST ACCOUNT STATEMENTS PREPARED BY THE FINANCIAL INSTITUTIONS WHERE THE ASSOCIATION HAS ITS OPERATING AND RESERVE ACCOUNTS; TO REMOVE THE DEFINITION FOR REMOTE COMMUNICATION; TO AMEND SECTION 79-11-757, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT BOARD APPROVAL FOR TRANSFERS OF FUNDS GREATER THAN $10,000.00 IS NOT REQUIRED TO BE IN WRITTEN FORM; TO AMEND SECTION 79-11-759, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY MAINTAIN COMPARABLE INSURANCE COVERAGE FOR ITS DIRECTORS AND OFFICERS AS AN ALTERNATIVE TO FIDELITY BOND COVERAGE; TO PROVIDE THAT THE MANAGING AGENT IS SOLELY RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO PROVIDE THAT ANY BANK OR SAVINGS ASSOCIATION WITH WHOM A TRUST FUND ACCOUNT IS OPENED SHALL BE HELD HARMLESS FROM ANY LIABILITIES, COSTS, EXPENSES, OR FEES INCURRED BY SUCH BANK OR SAVINGS ASSOCIATION AS A RESULT OF ANY ACTION BROUGHT UNDER THIS ACT; TO BRING FORWARD SECTION 79-11-755, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 79-11-751, Mississippi Code of 1972, is amended as follows:

79-11-751. (1) A managing agent who accepts or receives funds belonging to a homeowners association shall deposit those

funds that are not placed into an escrow account with a bank or savings association or into an account under the control of the association, into a trust fund account maintained by the managing agent in a bank or savings association. All funds deposited by the managing agent in the trust fund account shall be kept in a financial institution and insured by the Federal Deposit Insurance Corporation, and shall be maintained there until disbursed in accordance with written instructions from the association entitled to the funds.

(2) At the written request of the board of the homeowners association, the funds the managing agent accepts or receives on behalf of the association may be deposited into a checking or interest-bearing account in a bank or savings association provided all of the following requirements are met:

(a) The account is in the name of the managing agent as trustee for the association or in the name of the association.

(b) All of the funds in the account are covered by insurance provided by the Federal Deposit Insurance Corporation.

(c) The funds in the account are kept separate, distinct, and apart from the funds belonging to the managing agent or to any other person for whom the managing agent holds funds in trust.

(d) The managing agent discloses to the board of the homeowners association the nature of the account, how interest will be calculated and paid, whether service charges will be paid

to the depository and by whom, and any notice requirements or penalties for withdrawal of funds from the account.

(e) No interest earned on funds in the account shall inure directly or indirectly to the benefit of the managing agent or the managing agent's employees.

(f) Transfers of greater than Ten Thousand Dollars ($10,000.00) of an association's total combined reserve and operating account deposits shall not be authorized from the account without prior * * * approval from the board of the homeowners association.

(3) The managing agent shall maintain a separate record of the receipt and disposition of all funds described in this section, including any interest earned on the funds.

(4) Before every regular meeting of the homeowners association and any other time upon request of the association, the managing agent shall provide to the association all of the information described in Section 79-11-753.

(5) The managing agent shall not commingle the funds of the association with the managing agent's own money or with the money of others that the managing agent receives or accepts. If the managing agent has commingled funds on July 1, 2021, the managing agent shall, no later than September 1, 2021, separate the commingled funds into separate accounts.

(6) The prevailing party in an action to enforce this section shall be entitled to recover reasonable legal fees and court costs.

(7) As used in Sections 79-11-751 through 79-11-759, "association" means a homeowners association duly organized as a nonprofit corporation organized under the Mississippi Nonprofit Corporation Act, Section 79-11-101 et seq., and which is exempt from taxation under the federal Income Tax Code.

(8) As used in Sections 79-11-751 through 79-11-759, "managing agent" is any person who, for compensation or in expectation of compensation, exercises control over the assets of a homeowners association. A "managing agent" does not include a regulated financial institution operating within the normal course of its regulated business practice.

SECTION 2. Section 79-11-753, Mississippi Code of 1972, is amended as follows:

79-11-753. (1) Unless the governing documents of the homeowners association impose more stringent standards at all regularly scheduled meetings, the board of a homeowners association shall * * * review the latest account statements prepared by the financial institutions where the association has its operating and reserve accounts.

* * *

(2) Unless prohibited by the governing documents of the homeowners association, the board may hold any special or

regularly scheduled meeting, or any special or regularly scheduled member meeting, by electronic transmission or other means of remote communication, or by a combination thereof.

* * *

SECTION 3. Section 79-11-757, Mississippi Code of 1972, is amended as follows:

79-11-757. Notwithstanding any other law to the contrary, transfers of greater than Ten Thousand Dollars ($10,000.00) of a homeowners association's total combined reserve and operating account deposits shall not be authorized from the association's reserve or operating accounts without prior * * * board approval. This section shall apply in addition to any other applicable requirements of Sections 79-11-751 through 79-11-759.

SECTION 4. Section 79-11-759, Mississippi Code of 1972, is amended as follows:

79-11-759. (1) Unless the governing documents of the homeowners association require greater coverage amounts, the homeowners association shall maintain fidelity bond or comparable insurance coverage for its directors, officers, and employees in an amount that is equal to or more than the combined amount of the reserves of the association and total assessments for the highest balance during the previous year. The association's * * * coverage shall also include computer fraud and funds transfer fraud, which is not required to include cyber coverage. If the association uses a managing agent, the association's fidelity bond

or comparable insurance coverage must additionally include dishonest acts by that person or entity and its employees.

(2) Notwithstanding the provisions of subsection (1) of this section, if a majority of the * * * board of a homeowners association at a regular or special meeting of the association vote not to maintain fidelity bond coverage for its directors, officers, or employees, the provisions of subsection (1) shall not apply to the association.

SECTION 5. (1) The managing agent shall be solely responsible for ensuring compliance with the provisions of this act, including those governing the establishment and handling of funds placed into a trust fund account with a bank or savings association as provided for herein.

(2) Nothing in this act shall be construed to create any additional requirements or liability for any bank or savings association with whom a trust fund account is opened, or any affiliates, officers, directors, employees or agents of such bank or savings association.

(3) Any bank or savings association with whom a trust fund account is opened, and any affiliates, officers, directors, employees, or agents of such bank or savings association, shall be held harmless on a trust fund account opened in accordance with this act from any liabilities, costs, expenses, or fees, including attorney's fees, incurred by such bank or savings association as a result of any action brought pursuant to this act.

SECTION 6. Section 79-11-755, Mississippi Code of 1972, is brought forward as follows:

79-11-755. The review requirements of Section 79-11-753 may be met when every individual member of the board, or a subcommittee of the board consisting of the treasurer and at least one (1) other board member, reviews the documents and statements described in Section 79-11-753 independent of a board meeting, so long as the review is ratified at the board meeting subsequent to the review and that ratification is reflected in the minutes of that meeting.

SECTION 7. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 971

Description: Driver's license; increase time period to renew expired license without examination.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/17	(H)	Referred To Transportation
2	01/26	(H)	Title Suff Do Pass Comm Sub
3	02/03	(H)	Committee Substitute Adopted
4	02/03	(H)	Passed {Vote}
5	02/04	(H)	Transmitted To Senate
6	02/11	(S)	Referred To Highways and Transportation; Judiciary, Division A
7	02/23	(S)	DR - TSDPAA: HI To JA
8	03/01	(S)	Title Suff Do Pass As Amended
9	03/09	(S)	Passed {Vote}
10	03/09	(S)	Motion to Reconsider Entered
11	03/09	(S)	Reconsidered
12	03/09	(S)	Amended
13	03/09	(S)	Passed As Amended {Vote}
14	03/10	(S)	Returned For Concurrence
15	03/14	(H)	Decline to Concur/Invite Conf
16	03/16	(H)	Conferees Named Busby,Massengill,McKnight
17	03/22	(S)	Conferees Named Branning,DeLano,Williams
18	03/25	(S)	Conference Report Filed
19	03/25	(H)	Conference Report Filed
20	03/27	(H)	Conference Report Adopted {Vote}
21	03/29	(S)	Conference Report Adopted {Vote}
22	03/31	(H)	Enrolled Bill Signed
23	03/31	(S)	Enrolled Bill Signed
24	04/14		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 971
Conference Reports:
| Conference Report

Code Section: A 063-0001-0049, A 063-0001-0216

----- Additional Information -----

House Committee: Transportation
Senate Committee: Highways and Transportation, Judiciary, Division A

Principal Author: McKnight
Additional Authors: Busby

Title: AN ACT TO AMEND SECTION 63-1-49, MISSISSIPPI CODE OF 1972, TO INCREASE THE TIME PERIOD DURING WHICH AN EXPIRED DRIVER'S LICENSE MAY BE RENEWED WITHOUT EXAMINATION; TO CREATE A NEW SECTION OF LAW TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL BE THE STATE AGENCY WITH RESPONSIBILITY FOR REGULATING CERTAIN DIGITAL WALLETS; TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972, TO PROHIBIT ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE IF CONVICTED OF ANY CRIME UNDER THE MISSISSIPPI HUMAN TRAFFICKING ACT OR ANY FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS AS DEFINED BY FEDERAL LAW; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 971

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives McKnight, Busby To: Transportation

HOUSE BILL NO. 971
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-49, MISSISSIPPI CODE OF 1972, TO INCREASE THE TIME PERIOD DURING WHICH AN EXPIRED DRIVER'S LICENSE MAY BE RENEWED WITHOUT EXAMINATION; TO CREATE A NEW SECTION OF LAW TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL BE THE STATE AGENCY WITH RESPONSIBILITY FOR REGULATING CERTAIN DIGITAL WALLETS; TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972, TO PROHIBIT ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE IF CONVICTED OF ANY CRIME UNDER THE MISSISSIPPI HUMAN TRAFFICKING ACT OR ANY FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS AS DEFINED BY FEDERAL LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-1-49, Mississippi Code of 1972, is amended as follows:

63-1-49. (1) An expired license issued pursuant to this article may be renewed at any time within * * * sixty (60) months after the expiration date of the license upon application and payment of the required fee, and the payment of a delinquent fee prescribed in Section 63-1-43, in lieu of a driver examination, unless the holder of the expired license is required to be examined, or unless the department has reason to believe the licensee is no longer qualified to receive a license.

(2) (a) Any person in the Armed Services of the United States, who holds a valid license issued pursuant to this chapter and is out of state due to military service at the time the license expires, may renew the license by mail or by online renewal services while out of state due to military service or at any time within ninety (90) days after being discharged from military service or upon returning to the state without payment of any delinquent fee or examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license. The person shall make proof by affidavit of the fact of the person's current military service or of the time of discharge or return. The expiration of the license of a military person under the provisions of this paragraph (a) shall not affect the validity of the license, but the license shall continue to be valid and permit the person to operate a motor vehicle in this state for a period of ninety (90) days after discharge from military service or return to the state or until renewal of the license, whichever occurs first.

(b) The provisions of paragraph (a) of this subsection (2) also apply to a dependent of a person in the Armed Services of the United States who is out of state due to military service if the dependent resides out of state with the Armed Services member and the license of the dependent expires during the family member's absence from the state. The Commissioner of Public Safety may adopt such rules and regulations under the

Administrative Procedures Act as may be necessary to implement the provisions of this paragraph.

(3) Any person holding a valid license issued pursuant to this article who is going overseas for two (2) to four (4) years and whose license will expire during the stay overseas may renew the license for four (4) years or eight (8) years before leaving. The person shall make proof by affidavit of the fact of the overseas travel.

SECTION 2. The Department of Public Safety shall be the state agency with responsibility for regulating a digital wallet for state agency credentials. The Commissioner of Public Safety may promulgate rules and regulations regarding such digital wallet technology.

SECTION 3. Section 63-1-216, Mississippi Code of 1972, is amended as follows:

63-1-216. (1) (a) A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if the person's license or permit to drive has been administratively suspended under Section 63-11-23 or the person has been convicted of a first violation of:

(i) Operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence as provided in Section 63-11-30;

(ii) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(iii) Using a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year;

(iv) Refusal to submit to a test to determine the operator's alcohol concentration, as provided in Title 63, Chapter 11, Mississippi Code of 1972;

(v) Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway with an alcohol concentration of eight one-hundredths percent (0.08%) or more, or under the influence of intoxicating liquor or other substance, as provided in Section 63-11-30;

(vi) Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely as provided in Section 63-11-30;

(vii) Operating or attempting to operate a commercial motor vehicle while the license is revoked, suspended, cancelled, or disqualified;

(viii) Operating a commercial motor vehicle in a negligent manner resulting in a fatal injury.

(b) A person shall be disqualified from driving a commercial motor vehicle for three (3) years if convicted of a violation listed in subsection (1) of this section, if the violation occurred while transporting a hazardous material required to be placarded.

(c) A person shall be disqualified from driving a commercial motor vehicle for life if convicted of two (2) or more violations or a combination of them listed in subsection (1) of this section arising from two (2) or more separate occurrences.

(d) A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period. A disqualification for three (3) serious traffic violations must be imposed consecutively to any other previous period of disqualification.

(e) A person shall be disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug and for which the person was convicted.

(f) A person who is disqualified from driving a commercial motor vehicle shall surrender the person's Mississippi commercial driver's license no later than the effective date of the disqualification. Upon receipt of the person's commercial driver's license, that person, if otherwise eligible, may apply for a non-CDL, and upon payment of sufficient fees receive the driver's license.

(g) The commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to paragraph (e) of this subsection, may be reduced to a period of not less than ten (10) years.

(h) A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.

(i) A person shall be disqualified from driving a commercial motor vehicle for a period of one hundred twenty (120) days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.

(j) A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if, during any three-year period, the driver is convicted of a third or

subsequent railroad-highway grade crossing violation in separate incidents.

(k) A person who is simultaneously subject to a disqualification issued by the administrator of the Federal Motor Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and a disqualification under any other provision of this section shall serve those disqualification periods concurrently.

(2) (a) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for one (1) year, if:

(i) The person is convicted of a first violation of operating, attempting to operate or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence, as provided in Section 63-11-30; and

(ii) The person's commercial driver's license is issued by a state or country that does not issue commercial driver's licenses and disqualify persons in accordance with 49 CFR, Parts 383 and 384.

(b) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for three (3) years if the person is convicted of violating subsection (1) of this section, and the violation occurred while the person was transporting a hazardous material required to be placarded.

(c) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person is convicted a second time of violating subsection (1) of this section, and both convictions arise out of separate occurrences.

(d) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for sixty (60) days if the person is convicted of two (2) serious traffic violations, or for one hundred twenty (120) days if the person is convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period.

(e) A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person uses a commercial motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.

(f) In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a commercial driver's license for being out of

compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(3) A person shall be disqualified from driving a commercial motor vehicle for life if the person is convicted of any crime under the Mississippi Human Trafficking Act in Sections 97-3-54 et seq. or any felony involving a severe form of trafficking in persons, as defined by 22 USC 7102(11).

SECTION 4. Section 1 of this act shall take effect and be in force from and after its passage, and the remainder of this act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 972

Description: Bottom land leasing for oyster production; create a pilot program for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Marine Resources
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/10	(H) Committee Substitute Adopted
5	02/10	(H) Passed {Vote}
6	02/11	(H) Transmitted To Senate
7	02/15	(S) Referred To Ports and Marine Resources
8	02/23	(S) Title Suff Do Pass As Amended
9	03/07	(S) Amended
10	03/07	(S) Passed As Amended {Vote}
11	03/08	(S) Returned For Concurrence
12	03/09	(H) Concurred in Amend From Senate {Vote}
13	03/14	(H) Enrolled Bill Signed
14	03/15	(S) Enrolled Bill Signed
15	03/22	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 972

Code Section: A 049-0015-0036

----- Additional Information -----

House Committee: Marine Resources
Senate Committee: Ports and Marine Resources

Principal Author: Ladner

Title: AN ACT TO CREATE A PILOT PROGRAM FOR BOTTOM LAND LEASING FOR OYSTER PRODUCTION; TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO LEASE CERTAIN AREAS OF BOTTOM LAND FOR OYSTER

PRODUCTION TO OYSTER AND/OR SEAFOOD PROCESSORS WHO ONLY OPERATE IN THE WATERS ADJACENT TO HANCOCK COUNTY; TO PROVIDE THE PRICE AND LENGTH OF THE LEASE; TO PROVIDE THAT FUNDS DERIVED FROM THE LEASE SHALL BE DEPOSITED INTO THE SEAFOOD FUND TO FURTHER OYSTER PRODUCTION IN THIS STATE, WHICH INCLUDES PLANTINGS OF OYSTERS AND CULTCH MATERIALS; TO AMEND SECTION 49-15-36, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Ladner To: Marine Resources

HOUSE BILL NO. 972
(As Sent to Governor)

AN ACT TO CREATE A PILOT PROGRAM FOR BOTTOM LAND LEASING FOR OYSTER PRODUCTION; TO AUTHORIZE THE DEPARTMENT OF MARINE RESOURCES TO LEASE CERTAIN AREAS OF BOTTOM LAND FOR OYSTER PRODUCTION TO OYSTER AND/OR SEAFOOD PROCESSORS WHO ONLY OPERATE IN THE WATERS ADJACENT TO HANCOCK COUNTY; TO PROVIDE THE PRICE AND LENGTH OF THE LEASE; TO PROVIDE THAT FUNDS DERIVED FROM THE LEASE SHALL BE DEPOSITED INTO THE SEAFOOD FUND TO FURTHER OYSTER PRODUCTION IN THIS STATE, WHICH INCLUDES PLANTINGS OF OYSTERS AND CULTCH MATERIALS; TO AMEND SECTION 49-15-36, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Department of Marine Resources shall conduct a pilot program for bottom land leasing for oyster production. The Department of Marine Resources shall lease to oyster and/or seafood processors who only operate in the waters adjacent to Hancock County the following areas of bottom lands for oyster production:

(a) Area 1: The tonging area in Hancock County from the Bay St. Louis Railroad Bridge to Long Point, which is five hundred (500) feet offshore to one (1) mile offshore.

(b) Area 2: Telegraph Reef.

(2) (a) Before approving any leases for the two (2) areas, which shall include any natural reefs within the areas, the Department of Marine Resources must make an affirmative finding that the lessee is an oyster and/or seafood processor who only operates in the waters adjacent to Hancock County.

(b) The lease shall be for a term of five (5) years, and the lessee shall have the first right to renew the lease for an additional five (5) years. Before such renewal, the Department of Marine Resources may adjust the acreage and price of the lease to reflect the total number of acres of oyster production.

(c) Each lease shall set a price at Two Dollars ($2.00) per acre for at least the first five (5) years of the lease.

(d) All funds derived from leasing shall be paid to the Department of Marine Resources for deposit into the Seafood Fund under Section 49-15-17, for use by the Department of Marine Resources to further oyster production in this state, which includes plantings of oysters and cultch materials.

SECTION 2. Section 49-15-36, Mississippi Code of 1972, is amended as follows:

49-15-36. (1) The * * * Department of Marine Resources shall have full jurisdiction and control of all public and natural oyster reefs and oyster bottoms of the State of Mississippi. * * *

(2) Public reefs may be opened for harvest of oysters during the season on a rotating basis. If the * * * department determines that a particular reef has been overharvested or that a

high percentage of sublegal size oysters exist on a particular reef and that harvest could damage future oyster crops, the * * * department may close designated reef areas and keep them closed during the season.

(3) The * * * department shall promulgate regulations regarding the closing of oyster reefs to protect the public health. When that testing indicates the oysters on the closed reef are suitable for consumption, the reef shall be opened for the taking of oysters as soon as notice of that opening may be made to interested parties. The authority to open or close oyster reefs under this chapter shall be solely within the discretion of the * * * department. The Gulf Coast Research Laboratory or other certified laboratory shall cooperate with the department and shall conduct necessary tests to determine the condition of oyster reefs at the request of the department. The department may limit the sale of oysters for human consumption * * *.

(4) (a) The * * * department may issue special permits for the purpose of catching oysters outside the open season or in areas not normally open to harvest to those nonprofit organizations that are tax exempt under Section 501(c) of the United States Internal Revenue Code and which have on file with the Department of Revenue a tax exemption letter issued by the United States Internal Revenue Service.

(b) The * * * department shall promulgate rules and regulations governing the taking of oysters by the nonprofit

organization and shall issue such regulations to all organizations upon request and at the issuance of the special permit.

(5) The * * * department shall establish a reasonable period of time for depuration of oysters replanted from restricted waters. That period of time shall be consistent with the maintenance of the public health and may vary from time to time and from one reef to another in accordance with environmental conditions.

(6) The department is authorized to conduct a pilot program for bottom land leasing for oyster production as provided in House Bill No. 972 (2022 Regular Session).

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 974

Description: Airport authorities; authorize to provide dependent health insurance coverage as employment benefit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Insurance
2	01/31	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Committee Substitute Adopted
5	02/09	(H) Passed {Vote}
6	02/10	(H) Transmitted To Senate
7	02/11	(S) Referred To Insurance
8	02/28	(S) Title Suff Do Pass As Amended
9	03/08	(S) Amended
10	03/08	(S) Passed As Amended {Vote}
11	03/09	(S) Returned For Concurrence
12	03/16	(H) Concurred in Amend From Senate {Vote}
13	03/18	(H) Enrolled Bill Signed
14	03/18	(S) Enrolled Bill Signed
15	03/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 974

Code Section: A 061-0003-0015

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Zuber

Title: AN ACT TO AMEND SECTION 61-3-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN REGIONAL AIRPORT AUTHORITIES TO PROVIDE

DEPENDENT HEALTH INSURANCE COVERAGE AS AN EMPLOYMENT BENEFIT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Zuber To: Insurance

HOUSE BILL NO. 974
(As Sent to Governor)

AN ACT TO AMEND SECTION 61-3-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN REGIONAL AIRPORT AUTHORITIES TO PROVIDE DEPENDENT HEALTH INSURANCE COVERAGE AS AN EMPLOYMENT BENEFIT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 61-3-15, Mississippi Code of 1972, is amended as follows:

61-3-15. An authority shall have all the powers necessary or convenient to carry out the purposes of this chapter (excluding the power to levy and collect taxes or special assessments) including, but not limited to, the power:

(a) To sue and be sued, to have a seal and to have perpetual succession.

(b) To purchase general liability insurance coverage, including errors and omissions insurance, for its officials and employees.

(c) To employ an executive director, secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as it may require, and to determine their

qualifications and duties, and to establish compensation and other employment benefits as may be advisable to attract and retain proficient personnel. For regional airport authorities organized under Section 61-3-7, such employment benefits may include payment for all or part of dependent health insurance coverage.

(d) To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter.

(e) To plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities within this state and within any adjoining state, including the acquisition, lease, lease-purchase, construction, installation, equipment, maintenance and operation of such airports or buildings, equipment and other facilities or other property for the servicing of aircraft or for the comfort and accommodation of air travelers or for any other purpose deemed by the authority to be necessary to carry out its duties; to develop, operate, manage or own and maintain intermodal facilities to serve air and surface cargo and multimodal facilities to serve highway and rail passenger transportation needs to ensure interface and interaction between modes for cargo and passengers; to construct, improve, and maintain means of ingress and egress to airport properties from and over off-airport sites with approval of the city or county in which the off-airport site is located; to market, promote and advertise airport properties, goods and

services; and to directly purchase and sell supplies, goods and commodities incident to the operation of its airport properties without having to make purchases thereof through the municipal governing authorities, and with the authority to utilize design-build and construction manager at-risk methods of construction in accordance with Sections 31-7-13.1 and 31-7-13.2. For all the previously stated purposes, an authority may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, to prevent the establishment of airport hazards or to carry out its duties.

(f) To acquire, by purchase, gift, devise, lease, lease-purchase, eminent domain proceedings or otherwise, existing airports and air navigation facilities. However, an authority shall not acquire or take over any airport or air navigation facility owned or controlled by another authority, a municipality or public agency of this or any other state without the consent of such authority, municipality or public agency.

(g) To establish or acquire and maintain airports in, over and upon any public waters of this state, and any submerged lands under such public waters, and to construct and maintain terminal buildings, landing floats, causeways, roadways and

bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

(h) To establish, enact and enforce ordinances, rules, regulations and standards for public safety, aviation safety, airport operations and the preservation of good order and peace of the authority; to prevent injury to, destruction of or interference with public or private property; to protect property, health and lives and to enhance the general welfare of the authority by restricting the movements of citizens or any group thereof on the property of the authority when there is imminent danger to the public safety because of freedom of movement thereof; to regulate the entrances to property and buildings of the authority and the way of ingress and egress to and from the same; to establish fire limits and to hire firemen, including aircraft fire and rescue and similar personnel, and to establish and equip a fire department to provide fire and other emergency services on any property of the authority; to regulate, restrain or prohibit construction failing to meet standards established by the authority; to appoint and discharge police officers with jurisdiction limited to property of the airport authority and authorization to enforce the ordinances, rules and regulations of the authority, as well as the laws of the State of Mississippi, and to issue citations for infractions of all of such ordinances, rules, regulations, standards and laws of the State of Mississippi returnable to the court of appropriate jurisdiction.

(i) To develop and operate an industrial park or parks and exercise all authority provided for under Chapter 7, Title 57, Mississippi Code of 1972.

(j) To attach, pursuant to the power and procedure set forth in Chapter 33, Title 11, Mississippi Code of 1972, the equipment of debtors of the authority.

(k) To enter into agreements with local governments pursuant to Section 17-13-1 et seq.

(l) To render emergency assistance to other airports within the United States at an aggregate cost of less than Twenty Thousand Dollars ($20,000.00) per emergency. The assistance authorized in this paragraph must be rendered within ninety (90) days after a state of emergency has been declared by the federal government, or by the local or state government that has jurisdiction over the area where the airport needing assistance is located.

(m) To enter into joint use or similar agreements with any department or agency of the United States of America or the State of Mississippi, including any military department of the United States of America or the State of Mississippi, with respect to the use and operation of, or services provided at, any airport or other property of the authority on the terms and conditions as the authority may deem appropriate, including provisions limiting the liability of the United States of America or the State of Mississippi for loss or damage to the authority if the authority

determines that the limitation of liability is reasonable, necessary and appropriate under the circumstances.

(n) To enter into mutual aid agreements with counties and municipalities for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted; to participate in the Statewide Mutual Aid Compact (SMAC) in accordance with Section 33-15-19.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1029

Description: Mississippi Broadband Accessibility Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H)	Referred To Public Utilities; Appropriations
2	01/31	(H)	DR - TSDPCS: PU To AP
3	02/01	(H)	DR - TSDPCS: AP To PU
4	02/01	(H)	Title Suff Do Pass Comm Sub
5	02/08	(H)	Read the Third Time
6	02/10	(H)	Committee Substitute Adopted
7	02/10	(H)	Committee Substitute Tabled
8	02/10	(H)	Amended
9	02/10	(H)	Passed As Amended {Vote}
10	02/14	(H)	Transmitted To Senate
11	02/15	(S)	Referred To Energy
12	03/01	(S)	Title Suff Do Pass As Amended
13	03/02	(S)	Amended
14	03/02	(S)	Passed As Amended {Vote}
15	03/02	(S)	Immediate Release
16	03/02	(S)	Returned For Concurrence
17	03/03	(H)	Concurred in Amend From Senate {Vote}
18	03/03	(H)	Motion to Reconsider Entered (Lamar, Bounds, Anderson (122nd))
19	03/09	(H)	Reconsidered
20	03/09	(H)	Decline to Concur/Invite Conf
21	03/22	(S)	Conferees Named Carter,Parks,Harkins
22	03/22	(H)	Conferees Named Bounds,Anderson (122nd),Read
23	03/23	(H)	Conferees Named Bounds,Stamps,Read
24	03/28	(S)	Conference Report Filed
25	03/28	(H)	Conference Report Filed
26	03/29	(H)	Conference Report Adopted {Vote}

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27  03/30   (S) Conference Report Adopted {Vote}
28  04/04   (H) Enrolled Bill Signed
29  04/05   (S) Enrolled Bill Signed
30  04/14   Approved by Governor
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Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1029

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Public Utilities, Appropriations
Senate Committee: Energy

Principal Author: Bounds
Additional Authors: Stamps

Title: AN ACT TO CREATE THE BROADBAND EXPANSION AND ACCESSIBILITY OF MISSISSIPPI (BEAM) ACT; TO DEFINE TERMS USED IN THE ACT; TO CREATE THE OFFICE OF BROADBAND EXPANSION AND ACCESSIBILITY OF MISSISSIPPI WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO DESIGNATE THE OFFICE AS THE STATE BROADBAND OFFICE TO REVIEW APPLICATIONS FOR FUNDING BROADBAND INFRASTRUCTURE PROJECTS USING FEDERAL AND STATE FUNDS; TO PROVIDE THAT THE OFFICE SHALL CONSIDER CERTAIN FACTORS IN MAKING ITS DETERMINATIONS AND AWARDS; TO REQUIRE THE OFFICE TO ESTABLISH AND PUBLISH ON ITS WEBSITE ITS CRITERIA FOR COMPETITIVELY SCORING APPLICATIONS; TO REQUIRE AN APPLICANT TO PROVIDE CERTAIN INFORMATION AT A MINIMUM ON THE APPLICATION; TO REQUIRE THE OFFICE TO MAKE PRELIMINARY DETERMINATIONS, FINAL DETERMINATIONS AND AWARDS AFTER CERTAIN INVESTIGATIONS; TO REQUIRE THE OFFICE TO ACCEPT COMMENTS AND OBJECTIONS CONCERNING EACH PRELIMINARY DETERMINATION AND INVESTIGATE THEM AS APPROPRIATE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Bounds, Stamps

To: Public Utilities; Appropriations

HOUSE BILL NO. 1029
(As Sent to Governor)

AN ACT TO CREATE THE BROADBAND EXPANSION AND ACCESSIBILITY OF MISSISSIPPI (BEAM) ACT; TO DEFINE TERMS USED IN THE ACT; TO CREATE THE OFFICE OF BROADBAND EXPANSION AND ACCESSIBILITY OF MISSISSIPPI WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO DESIGNATE THE OFFICE AS THE STATE BROADBAND OFFICE TO REVIEW APPLICATIONS FOR FUNDING BROADBAND INFRASTRUCTURE PROJECTS USING FEDERAL AND STATE FUNDS; TO PROVIDE THAT THE OFFICE SHALL CONSIDER CERTAIN FACTORS IN MAKING ITS DETERMINATIONS AND AWARDS; TO REQUIRE THE OFFICE TO ESTABLISH AND PUBLISH ON ITS WEBSITE ITS CRITERIA FOR COMPETITIVELY SCORING APPLICATIONS; TO REQUIRE AN APPLICANT TO PROVIDE CERTAIN INFORMATION AT A MINIMUM ON THE APPLICATION; TO REQUIRE THE OFFICE TO MAKE PRELIMINARY DETERMINATIONS, FINAL DETERMINATIONS AND AWARDS AFTER CERTAIN INVESTIGATIONS; TO REQUIRE THE OFFICE TO ACCEPT COMMENTS AND OBJECTIONS CONCERNING EACH PRELIMINARY DETERMINATION AND INVESTIGATE THEM AS APPROPRIATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Broadband Expansion and Accessibility of Mississippi (BEAM) Act."

SECTION 2. As used in this act:

(a) "Applicant" means an eligible broadband service provider that has authorization to do business in this state and has demonstrated that it has the technical, financial and managerial resources and experience to provide broadband services in the state to retail end users.

(b) "Broadband service" means a mass-market retail service by wire, cable, fiber, or radio provided to customers in the State of Mississippi that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, at speeds of at least one hundred (100) megabits per second downstream and twenty (20) megabits per second upstream, and including, but not limited to, any capabilities that are incidental to and enable the operation of communications service, but excluding dial-up Internet access service.

(c) "Office" means the Office of Broadband Expansion and Accessibility of Mississippi (BEAM) within the Department of Finance and Administration created in Section 3 of this act.

(d) "Deployed" means, with respect to availability of broadband service at a location, when the person or entity has access regardless of whether a person or entity subscribes to the broadband service at the location.

(e) "Eligible broadband service provider" means any company, firm, corporation, limited liability company, partnership or association (i) that has been providing broadband service to at least one hundred (100) residences and businesses in Mississippi for at least three (3) consecutive years; (ii) is an electric power association's broadband affiliate operating pursuant to Section 77-17-1 et seq.; or (iii) that has demonstrated financial, technical, and operational capability in building and operating a broadband network.

(f) "Eligible project" means a discrete and specific project located in an unserved or underserved area of the state seeking to provide broadband services to residences, businesses, and community institutions not currently available for service in accordance with the applicable federal guidelines.

(g) "Shapefile" means a digital storage format containing geospatial or location-based data and attribute information regarding the availability of broadband Internet access service, and that can be viewed, edited, and mapped in geographic information system software.

SECTION 3. There is created an Office of Broadband Expansion and Accessibility of Mississippi (BEAM) within the Department of Finance and Administration for the purpose of making determinations and awards from applications for projects to provide broadband service in unserved or underserved areas using the Broadband Expansion and Accessibility of Mississippi (BEAM) Fund created pursuant to this act. The Executive Director of the Department of Finance and Administration shall hire a Director of BEAM to administer the office.

SECTION 4. (1) The Office of Broadband Expansion and Accessibility of Mississippi (BEAM) shall serve as the state broadband office to review applications and make determinations and awards for projects to provide broadband access in unserved or underserved areas using the BEAM Fund created pursuant to this act.

(2) It shall be the duty and responsibility of BEAM to:

(a) Coordinate all broadband expansion and accessibility efforts on behalf of the state to ensure an effective and efficient use of broadband grant funds;

(b) Develop the plan and application for federal grant programs and for sub-grantees to receive funds from said federal grants;

(c) Develop rules and procedures, if necessary and in accordance with the Administrative Procedures Act, to implement a competitive statewide broadband grant program;

(d) Coordinate all information provided by broadband service providers, including all broadband mapping efforts for the state. All information provided by a broadband service provider pursuant to this act shall be presumed to be confidential, proprietary, and subject to exemption from disclosure under state and federal law and shall not be subject to disclosure except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service providers is not disclosed. Such provider-specific information shall not be released to any person without written permission of the submitting broadband service provider. In no instance shall a broadband service provider be required to provide any data beyond that which it is required to provide to the Federal Communications Commission pursuant to 47 USC Section 641 et seq.; and

(e) Apply for and receive federal grants or funds, including, but not limited to, Coronavirus Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, and the Broadband Equity, Access and Deployment Program established by the Infrastructure Investment and Jobs Act of 2021, and all other federal broadband grant programs and any state support grant programs.

(3) To effectuate the purposes of this act, any department, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the Director of BEAM, provide the assistance, information and data needed to enable BEAM to carry out its duties.

(4) There is created within the State Treasury the "Broadband Expansion and Accessibility of Mississippi (BEAM) Fund" for the purposes of the expansion and accessibility of broadband in unserved and underserved areas. The fund shall consist of all monies designated, accepted or appropriated by the State of Mississippi for broadband deployment; all monies received from the federal government awarded to or allocated by the state for broadband deployment; and donations, gifts and monies received from any other source, including transfers from other funds or accounts. Disbursements from the fund shall be made by the Department of Finance and Administration upon appropriation by the Legislature in accordance with the provisions of this act. All

unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested by the State Treasurer in the same manner as monies in the State General Fund and interest earned on the investment of these monies shall be credited to the fund.

SECTION 5. In making determinations and awards, the Office of Broadband Expansion and Accessibility of Mississippi (BEAM) shall consider the following:

(a) Funds for the grant programs shall only be used by applicants for projects that exclusively extend broadband service into unserved or underserved areas in this state; and

(b) Funds from federal broadband grant programs shall be spent in accordance with federal laws, rules, regulations and guidance, and federal laws, rules, regulations and guidance shall supersede in any instance where this act conflicts.

SECTION 6. The criteria for determining the awarding of funds shall include the following:

(a) The applicant's experience and financial wherewithal to deploy, operate and manage the proposed project and broadband service offerings, including evidence of the applicant's successful operations of broadband services to retail end users;

(b) The readiness to build, operate and maintain the project;

(c) Projects that will deploy broadband service to the most unserved or underserved areas;

(d) The scalability of the proposed project network to support the deployment of higher broadband speeds over time;

(e) The likelihood that the unserved or underserved area will not be served with broadband service without such state or federal grant funding;

(f) The applicant's ability to demonstrate the community's support for the project and a collaborated plan to leverage broadband services for community needs and economic development, such as rural development, education, tourism, new investment, or business attraction or retention;

(g) A preference for those applications seeking to deploy and provide broadband services to areas in which there is currently no fixed terrestrial Internet access service available;

(h) No discrimination or preference to applications on the basis of the type of technology proposed by any applicant to be used to provide broadband services so long as the technology proposed meets the federal guidelines;

(i) The size and scope of the unserved or underserved area to be deployed; and

(j) The broadband service speed thresholds proposed in the application and the scalability of the broadband service network infrastructure proposed to be deployed to provide broadband service to households and businesses.

SECTION 7. In accordance with federal laws, rules, regulations and guidance, the Office of Broadband Expansion and

Accessibility of Mississippi (BEAM) shall establish and publish on its website its criteria for competitively scoring applications.

SECTION 8. (1) An applicant for funding under this act shall provide the following information at a minimum on the application:

(a) The location of the project by use of a shapefile;

(b) The type and amount of broadband infrastructure to be deployed for the project, including the amount the applicant intends to invest in the project from private funds;

(c) Evidence regarding the unserved or underserved nature of the community in which the project is to be located;

(d) The number of households that will have access to broadband service as a result of the project, or whose Internet access service will be upgraded to broadband service as a result of the project;

(e) The significant community institutions that will benefit from the proposed project;

(f) Evidence of community support for the project with a narrative on the impact that the investment will have on community and economic development efforts in the area;

(g) The total cost of the project and a detailed budget and schedule for the project, including the submission of a business plan that provides for the use of funds provided under this act. Funds shall not be used to support the operational

expenses of the network or to subsidize any other service provided by the applicant; and

(h) The broadband service provider's experience and financial capabilities.

(2) After scoring and considering all applications, the Office of Broadband Expansion and Accessibility of Mississippi (BEAM) shall make its preliminary determinations. Within thirty (30) days after the preliminary determinations have been made, BEAM shall publish on its website the applications, the proposed geographic broadband service area illustrated by a shapefile, and the proposed broadband service speeds for each application that receives a preliminary determination.

(3) Within thirty (30) days from the date the preliminary determinations are published on BEAM's website, BEAM shall accept comments or objections concerning each application and investigate each of them as appropriate. BEAM shall consider all comments and objections received and the investigative findings in determining whether an applicant is eligible for a final determination and award.

(4) BEAM shall not make a final determination and award to an applicant if verifiable information is made available that shows the proposed project includes an area where broadband services currently are deployed, or where construction of a network to deploy broadband service is underway by a provider

other than the applicant, and the construction is scheduled to be completed within one (1) year after the date of the application.

(5) An applicant's or challenging party's trade secrets, financial information and proprietary information submitted under this act as part of an application or challenge are exempt from disclosure under the Mississippi Public Records Act, Section 25-61-1 et seq.

(6) Any contractor deploying broadband infrastructure for a project that has been awarded grant monies by BEAM is encouraged to use Mississippi employment to the fullest extent possible.

SECTION 9. (1) Before the distribution of any grant monies from the BEAM Fund, BEAM shall notify the Lieutenant Governor, the Speaker of the House of Representatives and the Legislative Budget Office of the planned distribution.

(2) BEAM may employ the services of such persons as the Director of BEAM considers necessary for the purposes of consultation or investigation and fix the salaries of or contract for the services of such legal, professional, technical and operational personnel and consultants, subject to applicable provisions of the State Personnel Board. Additional legal assistance may be retained in accordance with this subsection (2) only with the approval of the Attorney General.

(3) BEAM shall provide to the Legislature an annual detailed report on the status and details of all projects considered and approved under this act no later than December 15 of each year.

SECTION 10. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1035

Description: Velvet hunting season; authorize Commission on Wildlife, Fisheries and Parks to establish.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Wildlife, Fisheries and Parks
2	01/27	(H) Title Suff Do Pass Comm Sub
3	02/02	(H) Committee Substitute Adopted
4	02/02	(H) Amended
5	02/02	(H) Passed As Amended {Vote}
6	02/03	(H) Motion to Reconsider Entered (Kinkade, Barnett)
7	02/09	(H) Reconsidered
8	02/09	(H) Amended
9	02/09	(H) Passed As Amended {Vote}
10	02/14	(H) Transmitted To Senate
11	02/15	(S) Referred To Wildlife, Fisheries and Parks
12	02/23	(S) Title Suff Do Pass As Amended
13	03/09	(S) Amended
14	03/09	(S) Passed As Amended {Vote}
15	03/10	(S) Returned For Concurrence
16	03/14	(H) Decline to Concur/Invite Conf
17	03/16	(H) Conferees Named Kinkade,Barnett,Hale
18	03/21	(S) Conferees Named Whaley,McCaughn,Michel
19	03/26	(S) Conference Report Filed
20	03/26	(H) Conference Report Filed
21	03/27	(H) Conference Report Adopted {Vote}
22	03/28	(S) Conference Report Adopted {Vote}
23	03/30	(H) Enrolled Bill Signed
24	03/30	(S) Enrolled Bill Signed
25	04/14	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 2 (Cmte Sub)Pending
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1035
Conference Reports:
Conference Report

Code Section: A 049-0007-0031

----- Additional Information -----

House Committee: Wildlife, Fisheries and Parks
Senate Committee: Wildlife, Fisheries and Parks

Principal Author: Bounds

Title: AN ACT TO REQUIRE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO ESTABLISH AND REGULATE SPECIAL HUNTS DURING VELVET HUNTING SEASON; TO PROVIDE THAT VELVET HUNTING SEASON SHALL BEGIN ON SEPTEMBER 10 AND END SEPTEMBER 20; TO REQUIRE THE COMMISSION TO ESTABLISH A SPECIAL HUNTING PERMIT FOR VELVET HUNTING SEASON; TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, WHICH RELATES TO OPEN SEASON ON DEER, TO REQUIRE THE COMMISSION TO ESTABLISH AND REGULATE SPECIAL HUNTS DURING VELVET HUNTING SEASON; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1035

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Bounds

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 1035
(As Sent to Governor)

AN ACT TO REQUIRE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO ESTABLISH AND REGULATE SPECIAL HUNTS DURING VELVET HUNTING SEASON; TO PROVIDE THAT VELVET HUNTING SEASON SHALL BEGIN ON SEPTEMBER 10 AND END SEPTEMBER 20; TO REQUIRE THE COMMISSION TO ESTABLISH A SPECIAL HUNTING PERMIT FOR VELVET HUNTING SEASON; TO AMEND SECTION 49-7-31, MISSISSIPPI CODE OF 1972, WHICH RELATES TO OPEN SEASON ON DEER, TO REQUIRE THE COMMISSION TO ESTABLISH AND REGULATE SPECIAL HUNTS DURING VELVET HUNTING SEASON; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Mississippi Commission on Wildlife, Fisheries and Parks shall establish and regulate special hunts during velvet hunting season, outside of the regular open season on deer. Velvet hunting season shall begin on September 10, and end no later than September 20, and shall be for no less than three (3) consecutive days in length, and for no more than five (5) consecutive days in length, and only hunting with bow and arrow or crossbows shall be allowed during such season. The special season shall be open on private lands and any Wildlife Management Areas as deemed appropriate by the department. Only bucks that meet the antler criteria for the respective deer

management unit may be harvested. There shall be mandatory reporting of the harvested animal.

(2) The commission shall establish a special hunting permit for velvet hunting season. Such special hunting permit for velvet hunting season shall be authorized for a time period beginning on September 10, and ending no later than September 20, and shall be valid for no less than three (3) consecutive days in length, and for no more than five (5) consecutive days in length. The commission shall, set the cost of permits.

SECTION 2. Section 49-7-31, Mississippi Code of 1972, is amended as follows:

49-7-31. (1) The open season on deer shall be as follows:

(a) With bow and arrow: October 1 through the Friday prior to Thanksgiving.

(b) With guns and with dogs: from the Saturday prior to Thanksgiving through December 1.

(c) With primitive weapons and without dogs: December 2 through December 15.

(d) With guns and without dogs: December 16 through December 23. However, the commission may allow hunting statewide or in specific areas with any legal weapon which it may designate without dogs after the end of the last season for hunting deer with guns and with dogs, but the season with legal designated weapons and without dogs shall not extend beyond January 31.

(e) The commission shall establish an extended season with primitive weapons and bow and arrow without dogs from February 1 through February 15 for the area south of U.S. Highway 84 and east of Mississippi Highway 35 only for legal bucks. Any antlered deer taken in this area during any open season under this section must be a legal buck as defined in this paragraph. For purposes of this paragraph, the term "legal buck" means a deer with antlers of four (4) points or more with a minimum inside spread of ten (10) inches or a minimum main beam length of thirteen (13) inches. The commission may regulate the taking of deer with antlers of four (4) points or less under this paragraph for the proper management of antlered deer. The commission may delay the opening date and change the length of bow and arrow season in paragraph (a) in this area.

(f) With guns and with dogs: December 24 through a date fixed by the commission that will provide a total of thirty-nine (39) days of hunting deer with guns and with dogs when added to the number of days provided for hunting deer with guns and with dogs in paragraph (b).

(g) When the open season on deer ends on a Friday, the commission shall have the authority to extend the season until thirty (30) minutes after sunset on the following Sunday.

(2) The commission may set and regulate the deer seasons on wildlife management areas which it administers.

(3) (a) The commission may allow the harvesting of antlerless deer in the districts or zones upon the recommendation of the executive director based upon good and substantial quantitative data and research evaluations that demonstrate that the harvesting is necessary to properly manage the herd.

(b) The commission, only upon the recommendation of the executive director, may allow the harvesting of antlerless deer during the deer season with guns and with dogs by a majority vote of the commission.

(c) Nothing in this subsection prohibits the harvesting of either-sex deer by landowners or leaseholders on private lands under the deer management assistance program prescribed or approved by the executive director.

(4) The commission may provide a special permit for the harvesting of deer when they are depredating and destroying crops. The department shall supervise the harvesting and provide for the salvaging of the meat of the animals. The commission may authorize the department to assist any farmer in this state, who sustains crop damage by wildlife, in eradication of the problem wildlife.

(5) (a) During any open season on deer with primitive weapons after November 30, a person may use any legal weapon of choice on private lands only, if the person is:

(i) The title owner of the land;

(ii) The lessee of the hunting rights on the land;

(iii) A member of a hunting club leasing the hunting rights on the land; or

(iv) A guest of a person specified in subparagraph (i), (ii) or (iii).

(b) If the person is required to have a hunting license, the person must have a primitive weapon license, Sportsman's License or a Lifetime Sportsman's License.

(6) The commission shall establish and regulate special hunts during velvet hunting season, outside of the regular open season on deer, as provided in Section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1057

Description: Department of Marine Resources; revise acreage of bottom authorized to be leased by.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Marine Resources
2	01/26	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/10	(H) Passed {Vote}
5	02/11	(H) Transmitted To Senate
6	02/15	(S) Referred To Ports and Marine Resources
7	02/23	(S) Title Suff Do Pass
8	03/07	(S) Passed {Vote}
9	03/08	(S) Motion to Reconsider Entered
10	03/10	(S) Motion to Reconsider Tabled
11	03/10	(S) Returned For Enrolling
12	03/14	(H) Enrolled Bill Signed
13	03/15	(S) Enrolled Bill Signed
14	03/22	Approved by Governor

Code Section: A 049-0015-0027

----- Additional Information -----

House Committee: Marine Resources
Senate Committee: Ports and Marine Resources

Principal Author: Felsher

Title: AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972, TO REVISE THE ACREAGE OF BOTTOM AUTHORIZED TO BE LEASED BY THE DEPARTMENT OF MARINE RESOURCES FOR OYSTER CULTIVATING AND GATHERING; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1057

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Felsher To: Marine Resources

HOUSE BILL NO. 1057

AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972, TO REVISE THE ACREAGE OF BOTTOM AUTHORIZED TO BE LEASED BY THE DEPARTMENT OF MARINE RESOURCES FOR OYSTER CULTIVATING AND GATHERING; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-27, Mississippi Code of 1972, is amended as follows:

49-15-27. The * * * department is hereby granted full and complete authority to lease the bottoms within its jurisdiction upon the following terms and conditions:

(1) All areas within the * * * department's jurisdiction, not designated tonging reefs by this chapter, or hereinafter designated tonging reefs by the * * * department; all areas not designated natural reefs by the * * * department, and all areas not within the boundaries of riparian property owners may be leased by the * * * department.

(2) All individual lessees shall be residents of the State of Mississippi, or if a firm or corporation, such firm or

corporation shall be organized under the laws of the State of Mississippi.

(3) No individual, corporation, partnership or association may lease less than * * * one (1) acre nor more than * * * three thousand five hundred (3,500) acres; however, in the case of an individual there shall not be counted towards such limitation any lands leased by a corporation, partnership or association in which such individual owns ten percent (10%) or less interest and, in the case of a corporation, partnership or association, there shall not be counted toward such limitation any lands leased by an individual stockholder, partner or associate thereof who owns ten percent (10%) or less interest in such corporation, partnership or association.

(4) Individuals, firms or corporations desiring to lease bottoms shall make application to the * * * department in writing, describing the area to be leased.

(5) The * * * department shall consider bottom leasing applications in the order in which each is filed and may award, within sixty (60) days, a lease to the area described in the application upon payment of the rent in advance.

(6) Such leases shall be for a term of five (5) years, with the right of lessee to renew the lease for an additional five (5) years, and continue to renew at five-year intervals, at the same ground rental rate so long as lessee actively cultivates and gathers oysters, and complies with the provisions of this chapter.

No lease may be transferred without approval by the * * * department of the transfer.

(7) The * * * department shall fix a ground rental at not less than Five Dollars ($5.00) per acre.

(8) The * * * department shall keep an accurate chart of the areas within its jurisdiction and shall mark on such chart those areas which are under lease. All leases shall be marked by appropriate poles, stakes or buoys of such material as will not injure watercraft, at the expense of the leaseholder. The * * * department shall keep an accurate book, designated "Mississippi Oyster Farms" which shall contain copies of all leases. If any lease be cancelled or expire, such fact shall be noted on the face of such lease. Lessees shall be "oyster farmers" for the purposes of any grants, aid, subsidies or other assistance from the federal government or other governmental or private agencies.

(9) All funds derived from leasing shall be paid into the Seafood Fund under Section 49-15-17, for use by the * * * department to further oyster production in this state, which includes plantings of oysters and cultch materials.

(10) All leases made by the * * * department under the authority of this section shall be subject to the paramount right of the state and any of its political subdivisions authorized by law, to promote and develop ports, harbors, channels, industrial or recreational projects, and all such leases shall contain a provision that in the event such authorized public body shall

require the area so leased or any part thereof for such public purposes, that the lease shall be terminated on reasonable notice fixed by the * * * department in such lease. On the termination of any lease, the lessees shall have the right to remove any oysters within the leased area within such time as may be fixed by the * * * department and in accordance with such reasonable rules and regulations as the * * * department may adopt.

Any person convicted of taking oysters from leased land or from waters that are not of a safe sanitary quality without a permit as provided in Section 49-15-37 shall, on the first offense, forfeit all equipment used, exclusive of any boat or boats; and be fined not to exceed Two Thousand Dollars ($2,000.00) or sentenced not to exceed one (1) year in the county jail, or both. Subsequent convictions shall be punishable by forfeiture of all equipment, including any boat or boats; and a fine not to exceed Five Thousand Dollars ($5,000.00) or not to exceed two (2) years in prison, or both such fine and imprisonment.

The * * * department is enjoined to cooperate with the Jackson County Port Authority, the Harrison County Development Commission, the municipal port commission and other port and harbor agencies, so that oyster beds shall not be planted in close proximity to navigable channels. The * * * department or lessee shall have no right of action as against any such public body for damages accruing to any natural reef or leased reef by any

necessary improvement of such channel in the interest of shipping, commerce, navigation or other purpose authorized by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1065

Description: Nuisance animals; prohibit the transportation, importation and release of wild hogs.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Agriculture
2	01/25	(H)	Title Suff Do Pass
3	02/02	(H)	Passed {Vote}
4	02/03	(H)	Transmitted To Senate
5	02/11	(S)	Referred To Wildlife, Fisheries and Parks; Accountability, Efficiency, Transparency
6	02/23	(S)	DR - TSDPAA: WI To AC
7	03/01	(S)	Title Suff Do Pass As Amended
8	03/09	(S)	Amended
9	03/09	(S)	Passed As Amended {Vote}
10	03/09	(S)	Motion to Reconsider Entered
11	03/10	(S)	Motion to Reconsider Tabled
12	03/11	(S)	Returned For Concurrence
13	03/14	(H)	Decline to Concur/Invite Conf
14	03/16	(H)	Conferees Named Pigott,Mangold,Bounds
15	03/21	(S)	Conferees Named Whaley,Hill,Parker
16	03/28	(H)	Conference Report Filed
17	03/28	(S)	Conference Report Filed
18	03/29	(H)	Conference Report Adopted {Vote}
19	03/29	(S)	Conference Report Adopted {Vote}
20	03/29	(H)	Motion to Reconsider Entered (Boyd, Pigott, Mangold)
21	03/30	(H)	Motion to Reconsider Tabled
22	03/30	(S)	Motion to Reconsider Entered
23	03/31	(S)	Motion to Reconsider Tabled
24	04/01	(H)	Enrolled Bill Signed
25	04/01	(S)	Enrolled Bill Signed

26 04/14 Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 1065

Conference Reports:

| Conference Report

Code Section: A 049-0007-0031.5, A 049-0007-0140

----- Additional Information -----

House Committee: Agriculture

Senate Committee: Wildlife, Fisheries and Parks, Accountability, Efficiency, Transparency

Principal Author: Pigott

Additional Authors: Hale

Title: AN ACT TO AMEND SECTIONS 49-7-31.5 AND 49-7-140, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE TRANSPORTATION, IMPORTATION AND RELEASE OF WILD HOGS, AND IMPOSE PENALTIES FOR SUCH VIOLATIONS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1065

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Pigott, Hale To: Agriculture

HOUSE BILL NO. 1065
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 49-7-31.5 AND 49-7-140, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE TRANSPORTATION, IMPORTATION AND RELEASE OF WILD HOGS, AND IMPOSE PENALTIES FOR SUCH VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-7-31.5, Mississippi Code of 1972, is amended as follows:

49-7-31.5. (1) The hunting, trapping and taking of nuisance animals shall be regulated by the commission. The commission may adopt regulations to regulate the hunting, trapping and taking of nuisance animals and to control the population of nuisance animals.

(2) (a) Landowners, agricultural leaseholders or their designated agents may take predatory and nuisance animals year-round on lands owned or leased by them.

(b) Landowners, agricultural leaseholders or their designated agents may take nuisance animals with any type of weapon and may take nuisance animals during the night after legal

hunting hours on lands owned or leased by them with a permit issued by the department.

(c) No license is required for a resident landowner hunting or trapping nuisance animals on his own land. An agricultural leaseholder, designated agent and any other person must possess either an all-game hunting license or trapping license, unless otherwise exempt.

(d) No license is required for a recipient of the Purple Heart Medal for wounds suffered in combat, to hunt nuisance animals on private lands. Persons exempt from purchasing a hunting license under this paragraph shall have in their possession and on their person a copy of their DD-214 discharge form indicating the receipt of the Purple Heart Medal and any proof as may be required by the commission or the Department of Wildlife, Fisheries and Parks, while engaged in such activities.

(3) The taking of any animal or animals other than nuisance animals by the use of a trap or traps is unlawful except during the time the season is open for the taking of fur-bearing animals.

(4) Nuisance animals may be run, chased or pursued with dogs, except as provided in Section 49-7-32, year-round by licensed hunters.

(5) Nuisance animals may be hunted with the aid of electronic calls.

(6) Nuisance animals may be hunted or trapped with the aid of bait and lures, on private lands, according to regulations adopted by the commission.

(7) Any part of a nuisance animal may be bought and sold year-round.

(8) (a) Wild hogs may not be caught or trapped and released into the wild at a location different from the location where the wild hog was caught or trapped, or otherwise transported live in the State of Mississippi.

(b) A violation of this subsection is a Class I violation and is punishable as provided under Section 49-7-141.

(9) When hunting wild hogs during any open gun season on deer, a hunter must wear in full view at least five hundred (500) square inches of solid unbroken fluorescent orange.

SECTION 2. Section 49-7-140, Mississippi Code of 1972, is amended as follows:

49-7-140. (1) No person may import into the state or release into the wild, any live feral hog, wild swine or Russian Boar.

(2) No person may transport on public roads or off of the property of record where captured or relocate within the state any live feral hog, wild swine or Russian Boar * * *.

(3) For the purposes of this section, "feral hogs, wild swine or Russian Boar" are defined as any hog that is not a domesticated pet or livestock.

(4) A violation of this section is a Class I violation punishable as provided in Section 49-7-141.

* * *

(* * *5) Nothing in this section shall be construed to prohibit the lawful transport of domestic swine for customary and ordinary purposes of intrastate or interstate commerce, or agricultural practices.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1101

Description: Trip optimizer system; provide moratorium on the application of to state agencies.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Appropriations
2	01/27	(H) Title Suff Do Pass
3	02/08	(H) Amended
4	02/08	(H) Passed As Amended {Vote}
5	02/10	(H) Transmitted To Senate
6	02/17	(S) Referred To Appropriations
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/15	(H) Decline to Concur/Invite Conf
12	03/22	(H) Conferees Named Read,Beckett,Bounds
13	03/22	(S) Conferees Named Hopson,Blackwell,Turner-Ford
14	03/25	(S) Conference Report Filed
15	03/25	(H) Conference Report Filed
16	03/27	(H) Conference Report Adopted {Vote}
17	03/30	(S) Conference Report Adopted {Vote}
18	04/04	(H) Enrolled Bill Signed
19	04/05	(S) Enrolled Bill Signed
20	04/08	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1101

Conference Reports:
Conference Report

Code Section: A 025-0003-0041

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Beckett

Title: AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A MORATORIUM ON THE APPLICATION OF THE TRIP OPTIMIZER SYSTEM REQUIREMENTS FOR TRAVEL TO ANY STATE AGENCY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1101

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Beckett To: Appropriations

HOUSE BILL NO. 1101
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-3-41, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A MORATORIUM ON THE APPLICATION OF THE TRIP OPTIMIZER SYSTEM REQUIREMENTS FOR TRAVEL TO ANY STATE AGENCY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-3-41, Mississippi Code of 1972, is amended as follows:

25-3-41. (1) Subject to the provisions of subsection (10) of this section, when any officer or employee of the State of Mississippi, or any department, agency or institution thereof, after first being duly authorized, is required to travel in the performance of his official duties, the officer or employee shall receive as expenses for each mile actually and necessarily traveled, when the travel is done by a privately owned automobile or other privately owned motor vehicle, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.

(2) When any officer or employee of any county or municipality, or of any agency, board or commission thereof, after

first being duly authorized, is required to travel in the performance of his official duties, the officer or employee shall receive as expenses Twenty Cents (20¢) for each mile actually and necessarily traveled, when the travel is done by a privately owned motor vehicle; provided, however, that the governing authorities of a county or municipality may, in their discretion, authorize an increase in the mileage reimbursement of officers and employees of the county or municipality, or of any agency, board or commission thereof, in an amount not to exceed the mileage reimbursement rate authorized for officers and employees of the State of Mississippi in subsection (1) of this section.

(3) Where two (2) or more officers or employees travel in one (1) privately owned motor vehicle, only one (1) travel expense allowance at the authorized rate per mile shall be allowed for any one (1) trip. When the travel is done by means of a public carrier or other means not involving a privately owned motor vehicle, then the officer or employee shall receive as travel expense the actual fare or other expenses incurred in such travel.

(4) In addition to the foregoing, a public officer or employee shall be reimbursed for other actual expenses such as meals, lodging and other necessary expenses incurred in the course of the travel, subject to limitations placed on meals for intrastate and interstate official travel by the Department of Finance and Administration, provided, that the Legislative Budget Office shall place any limitations for expenditures made on

matters under the jurisdiction of the Legislature. The Department of Finance and Administration shall set a maximum daily expenditure annually for such meals and shall notify officers and employees of changes to these allowances immediately upon approval of the changes. Travel by airline shall be at the tourist rate unless that space was unavailable. The officer or employee shall certify that tourist accommodations were not available if travel is performed in first class airline accommodations. Itemized expense accounts shall be submitted by those officers or employees in such number as the department, agency or institution may require; but in any case one (1) copy shall be furnished by state departments, agencies or institutions to the Department of Finance and Administration for preaudit or postaudit. The Department of Finance and Administration shall promulgate and adopt reasonable rules and regulations which it deems necessary and requisite to effectuate economies for all expenses authorized and paid pursuant to this section. Requisitions shall be made on the State Fiscal Officer who shall issue his warrant on the State Treasurer. Provided, however, that the provisions of this section shall not include agencies financed entirely by federal funds and audited by federal auditors.

(5) Any officer or employee of a county or municipality, or any department, board or commission thereof, who is required to travel in the performance of his official duties, may receive funds before the travel, in the discretion of the administrative

head of the county or municipal department, board or commission involved, for the purpose of paying necessary expenses incurred during the travel. Upon return from the travel, the officer or employee shall provide receipts of transportation, lodging, meals, fees and any other expenses incurred during the travel. Any portion of the funds advanced which is not expended during the travel shall be returned by the officer or employee. The Department of Audit shall adopt rules and regulations regarding advance payment of travel expenses and submission of receipts to ensure proper control and strict accountability for those payments and expenses.

(6) No state or federal funds received from any source by any arm or agency of the state shall be expended in traveling outside of the continental limits of the United States until the governing body or head of the agency makes a finding and determination that the travel would be extremely beneficial to the state agency and obtains a written concurrence thereof from the Governor, or his designee, and the Department of Finance and Administration. However, employees of state institutions of higher learning may expend funds for travel outside of the continental limits of the United States upon a written finding by the president or head of the institution that the travel would be extremely beneficial to the institution.

(7) Where any officer or employee of the State of Mississippi, or any department, agency or institution thereof, or

of any county or municipality, or of any agency, board or commission thereof, is authorized to receive travel reimbursement under any other provision of law, the reimbursement may be paid under the provisions of this section or the other section, but not under both.

(8) When the Governor, Lieutenant Governor or Speaker of the House of Representatives appoints a person to a board, commission or other position that requires confirmation by the Senate, the person may receive reimbursement for mileage and other actual expenses incurred in the performance of official duties before the appointment is confirmed by the Senate, as reimbursement for those expenses is authorized under this section.

(9) (a) The Department of Finance and Administration may contract with one or more commercial travel agencies, after receiving competitive bids or proposals therefor, for that travel agency or agencies to provide necessary travel services for state officers and employees. Municipal and county officers and municipal and county employees may also participate in the state travel agency contract and utilize these travel services for official municipal or county travel. However, the administrative head of each state institution of higher learning may, in his discretion, contract with a commercial travel agency to provide necessary travel services for all academic officials and staff of the university in lieu of participation in the state travel agency contract. Any such decision by a university to contract with a

separate travel agency shall be approved by the Board of Trustees of State Institutions of Higher Learning and the Executive Director of the Department of Finance and Administration.

(b) Before executing a contract with one or more travel agencies, the Department of Finance and Administration shall advertise for competitive bids or proposals once a week for two (2) consecutive weeks in a regular newspaper having a general circulation throughout the State of Mississippi. If the department determines that it should not contract with any of the bidders initially submitting proposals, the department may reject all those bids, advertise as provided in this paragraph and receive new proposals before executing the contract or contracts. The contract or contracts may be for a period not greater than three (3) years, with an option for the travel agency or agencies to renew the contract or contracts on a one-year basis on the same terms as the original contract or contracts, for a maximum of two (2) renewals. After the travel agency or agencies have renewed the contract twice or have declined to renew the contract for the maximum number of times, the Department of Finance and Administration shall advertise for bids in the manner required by this paragraph and execute a new contract or contracts.

(c) Whenever any state officer or employee travels in the performance of his official duties by airline or other public carrier, he may have his travel arrangements handled by that travel agency or agencies. The amount paid for airline

transportation for any state officer or employee, whether the travel was arranged by that travel agency or agencies or was arranged otherwise, shall not exceed the amount specified in the state contract established by the Department of Finance and Administration, Office of Purchasing and Travel, unless prior approval is obtained from the office.

(10) (a) For purposes of this subsection, the term "state agency" means any agency that is subject to oversight by the Bureau of Fleet Management of the Department of Finance and Administration under Section 25-1-77.

(b) Each state agency shall use a trip optimizer type system developed and administered by the Department of Finance and Administration in computing the optimum method and cost for travel by state officers and employees using a motor vehicle where the travel will exceed one hundred (100) miles per day and the officer or employee is not driving a state-owned or state-leased vehicle that has been dedicated or assigned to the officer or employee.

(c) The provisions of this subsection shall be used to determine the most cost-effective method of travel by motor vehicles, whether those vehicles are owned by the state agency, leased by the state agency, or owned by the officer or employee, and shall be applicable for purposes of determining the maximum authorized amount of any travel reimbursement for officers and employees of those agencies related to vehicle usage.

(d) The maximum authorized amount of travel reimbursement related to motor vehicle usage shall be the lowest cost option as determined by the trip optimizer type system. All travel claims submitted for reimbursement shall include the results of the trip optimizer type system indicating the lowest cost option for travel by the state officer or employee.

(e) In providing a calculation of rates, the trip optimizer type system shall account for the distance that an officer or employee must travel to pick up a rental or state fleet vehicle, and shall account for the long-term rate discounts offered through the state purchasing contract for vehicle rentals.

(f) This subsection shall not apply to travel by state officials in motor vehicles driven by the official or in vehicles used for the transport of the official. The exemption in this paragraph (f) applies only to the state official and not to the staff or other employees of the state official. As used in this paragraph (f), "state official" means statewide elected officials and the elected members of the Public Service Commission.

(g) The provisions of this subsection shall not be applicable to any state agency for the period beginning on the effective date of this act through June 30, 2024.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1132

Description: Private food service; authorize Department of Finance and Administration to solicit proposals for certain state properties.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Public Property
2	01/25	(H) Title Suff Do Pass
3	02/08	(H) Passed {Vote}
4	02/09	(H) Transmitted To Senate
5	02/18	(S) Referred To Public Property
6	03/01	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/14	(H) Enrolled Bill Signed
10	03/15	(S) Enrolled Bill Signed
11	03/22	Approved by Governor

Code Section: A 029-0005-0002

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Weathersby
Additional Authors: Brown (20th)

Title: AN ACT TO AMEND SECTION 29-5-2, MISSISSIPPI CODE OF 1972, TO ADD 350 HIGH STREET, 401 NORTH LAMAR STREET, AND 455 NORTH LAMAR STREET, TO THE LIST OF STATE PROPERTIES LOCATED IN THE CITY OF JACKSON THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION IS REQUIRED TO EXERCISE GENERAL SUPERVISION AND CARE OVER AND KEEP IN GOOD CONDITION; TO REQUIRE THE DEPARTMENT TO SOLICIT AND APPROVE OR DISAPPROVE ANY LEASE, USE OR RENTAL AGREEMENT FOR A CHARGE OR OTHER CONSIDERATION FOR CERTAIN SPACE NOT EXCEEDING THREE THOUSAND SQUARE FEET IN ANY INDIVIDUAL

BUILDING, WITH A PRIVATE ENTRY WHO WILL PROVIDE FOOD AND/OR CATERING SERVICES FOR STATE EMPLOYEES, VISITORS AND THE GENERAL PUBLIC; TO REQUIRE THAT THE DEPARTMENT SELECT THE ENTITY FOR SUCH LEASE, CONTRACT, OR RENTAL AGREEMENT USING A COMPETITIVE PROCESS THAT IS PUBLICLY ADVERTISED; TO REQUIRE THAT THE DEPARTMENT DEMONSTRATE THAT ANY SUCH AGREEMENT ENTERED INTO WILL NEITHER RESULT IN A NET COST TO THE STATE, NOR IMPAIR OR IMPEDE THE FUNCTION OF STATE AGENCIES AT SUCH LOCATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Weathersby, Brown (20th) To: Public Property

HOUSE BILL NO. 1132

AN ACT TO AMEND SECTION 29-5-2, MISSISSIPPI CODE OF 1972, TO ADD 350 HIGH STREET, 401 NORTH LAMAR STREET, AND 455 NORTH LAMAR STREET, TO THE LIST OF STATE PROPERTIES LOCATED IN THE CITY OF JACKSON THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION IS REQUIRED TO EXERCISE GENERAL SUPERVISION AND CARE OVER AND KEEP IN GOOD CONDITION; TO REQUIRE THE DEPARTMENT TO SOLICIT AND APPROVE OR DISAPPROVE ANY LEASE, USE OR RENTAL AGREEMENT FOR A CHARGE OR OTHER CONSIDERATION FOR CERTAIN SPACE NOT EXCEEDING THREE THOUSAND SQUARE FEET IN ANY INDIVIDUAL BUILDING, WITH A PRIVATE ENTRY WHO WILL PROVIDE FOOD AND/OR CATERING SERVICES FOR STATE EMPLOYEES, VISITORS AND THE GENERAL PUBLIC; TO REQUIRE THAT THE DEPARTMENT SELECT THE ENTITY FOR SUCH LEASE, CONTRACT, OR RENTAL AGREEMENT USING A COMPETITIVE PROCESS THAT IS PUBLICLY ADVERTISED; TO REQUIRE THAT THE DEPARTMENT DEMONSTRATE THAT ANY SUCH AGREEMENT ENTERED INTO WILL NEITHER RESULT IN A NET COST TO THE STATE, NOR IMPAIR OR IMPEDE THE FUNCTION OF STATE AGENCIES AT SUCH LOCATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 29-5-2, Mississippi Code of 1972, is amended as follows:

29-5-2. The duties of the Department of Finance and Administration shall be as follows:

(a) (i) To exercise general supervision and care over and keep in good condition the following state property located in the City of Jackson: the New State Capitol Building, the Woolfolk

State Office Building and Parking Garage, the Carroll Gartin Justice Building, the Walter Sillers Office Building and Parking Garage, the War Veterans' Memorial Building, the Charlotte Capers Building, the William F. Winter Archives and History Building, the Mississippi Museum Complex, the Gulf, Mobile and Ohio Train Depot (GM&O Depot), the Old State Capitol Building, the Governor's Mansion, the Heber Ladner Building, the Robert E. Lee Office Building, the Robert E. Lee Parking Garage, the former Naval Reserve Center, 515 East Amite Street, 620 North Street, 660 North Street, 700 North State Street, 350 High Street, 401 North Lamar Street, 455 North Lamar Street, the State Records Center, the Robert G. Clark, Jr. Building, the Mississippi State Fairgrounds Complex, * * * the former Central High Building, as well as all state-owned or leased buildings situated on seat of government property.

(ii) To exercise general supervision and care over and keep in good condition the Dr. Eldon Langston Bolton Building located in Biloxi, Mississippi.

(iii) To exercise general supervision and care over and keep in good condition the State Service Center, located at the intersection of U.S. Highway 49 and John Merl Tatum Industrial Drive in Hattiesburg, Mississippi.

(iv) To exercise general supervision and care over and keep in good condition any property purchased, constructed or otherwise acquired by the State of Mississippi for conducting

state business and not specifically under the supervision and care by any other state entity, but which is reasonably assumed the department would be responsible for such, as approved by the Public Procurement Review Board, including, but not limited to:

1. The National Aeronautics and Space Administration (NASA) Shared Services Center and Lockheed Martin Building at Stennis Space Center;

2. The Mississippi Sports Hall of Fame;

3. The Mississippi Crafts Center;

4. The Mississippi Children's Museum; and

5. The Mississippi Arts and Entertainment Center.

(b) To assign suitable office space for the various state departments, officers and employees who are provided with an office in any of the buildings under the jurisdiction or control of the Department of Finance and Administration. However, the assignment of space in the New Capitol Building shall be designated by duly passed resolution of the combined Senate Rules Committee and the House Management Committee, meeting as a joint committee, approved by the Lieutenant Governor and Speaker of the House of Representatives. A majority vote of the members of the Senate Rules Committee and a majority vote of the members of the House Management Committee shall be required on all actions taken, resolutions or reports adopted, and all other matters considered by the full combined committee on occasions when the Senate Rules

Committee and the House Management Committee shall meet as a full combined committee.

(c) To approve or disapprove with the concurrence of the Public Procurement Review Board, any lease or rental agreements by any state agency or department, including any state agency financed entirely by federal and special funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration, including space necessary for parking to be used by state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building. In no event shall any employee, officer, department, federally funded agency or bureau of the state be authorized to enter into a lease or rental agreement without prior approval of the Department of Finance and Administration and the Public Procurement Review Board.

The Department of Finance and Administration is authorized to use architects, engineers, building inspectors and other personnel for the purpose of making inspections as may be deemed necessary in carrying out its duties and maintaining the facilities.

This section is not intended to apply to locations for which the Department of Finance and Administration has decided to solicit proposals in accordance with subsection (e) of this section.

(d) To acquire by lease, lease-purchase agreement, or otherwise, as provided in Section 27-104-107, and to assign

through the Office of General Services, by lease or sublease agreement from the office, and with the concurrence of the Public Procurement Review Board, to any state agency or department, including any state agency financed entirely by federal and special funds, appropriate office space in the buildings acquired.

(e) * * * To solicit and approve or disapprove, notwithstanding any rule of law to the contrary, and with the concurrence of the Public Procurement Review Board, any lease, use or rental agreement for a charge or other consideration for space not exceeding three thousand (3,000) square feet in any individual building listed in subsection (a) of this section, with a private entry who will provide food and/or catering services for state employees, visitors and the general public.

The department shall select the entity using a competitive process which shall be publicly advertised. In addition to satisfying any other requirements for the Public Procurement Review Board's approval, the department must demonstrate that any agreement entered into under this section will neither result in a net cost to the state, nor impair or impede the function of state agencies at such location.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1164

Description: Mississippi Development Authority; revise authority regarding implementation of federal State Small Business Credit Initiative Act of 2010.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Ways and Means
2	02/01	(H) Title Suff Do Pass
3	02/03	(H) Amended
4	02/03	(H) Passed As Amended {Vote}
5	02/07	(H) Transmitted To Senate
6	02/17	(S) Referred To Finance
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/17	(H) Concurred in Amend From Senate {Vote}
12	03/21	(H) Enrolled Bill Signed
13	03/21	(S) Enrolled Bill Signed
14	03/26	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1164

Code Section: A 057-0010-0601

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 57-10-601, MISSISSIPPI CODE OF 1972, WHICH DESIGNATES THE MISSISSIPPI DEVELOPMENT AUTHORITY AS THE

AGENCY TO IMPLEMENT A STATE PROGRAM AND PARTICIPATE IN THE FEDERAL STATE SMALL BUSINESS CREDIT INITIATIVE ACT OF 2010, TO UPDATE CITATIONS TO FEDERAL LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1164
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-10-601, MISSISSIPPI CODE OF 1972, WHICH DESIGNATES THE MISSISSIPPI DEVELOPMENT AUTHORITY AS THE AGENCY TO IMPLEMENT A STATE PROGRAM AND PARTICIPATE IN THE FEDERAL STATE SMALL BUSINESS CREDIT INITIATIVE ACT OF 2010, TO UPDATE CITATIONS TO FEDERAL LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-10-601, Mississippi Code of 1972, is amended as follows:

57-10-601. (1) As used in this section:

(a) "Act" means the State Small Business Credit Initiative Act of 2010 (* * *12 USC 5701 et seq. as amended).

(b) "State program" has the meaning ascribed to such term in the State Small Business Credit Initiative Act of 2010 (* * *12 USC 5701 et seq. as amended).

(c) "MDA" means the Mississippi Development Authority.

(2) The MDA is designated as the agency to implement a state program and participate in the State Small Business Credit Initiative established under the act.

(3) The MDA is authorized and empowered to take any action necessary to establish and implement a state program that meets all the requirements of the act.

(4) The MDA is authorized and empowered to administer funds transferred to the state under the act.

(5) The Executive Director of MDA * * * shall promulgate and put into effect all reasonable rules and regulations that he or she may deem necessary to carry out the provisions of this section and comply with the act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1177

Description: Adjutant General; authorize to convey real property in the best interest of the Mississippi Military Department.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Military Affairs
2	01/25	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Motion to Reconsider Entered (Weathersby, Carpenter, Hopkins)
5	02/09	(H) Reconsidered
6	02/09	(H) Amended
7	02/09	(H) Passed As Amended {Vote}
8	02/11	(H) Transmitted To Senate
9	02/16	(S) Referred To Veterans and Military Affairs; Accountability, Efficiency, Transparency
10	02/28	(S) DR - TSDPAA: VM To AC
11	03/01	(S) Title Suff Do Pass As Amended
12	03/09	(S) Amended
13	03/09	(S) Passed As Amended {Vote}
14	03/10	(S) Returned For Concurrence
15	03/14	(H) Decline to Concur/Invite Conf
16	03/18	(H) Conferees Named Carpenter,Newman,Hopkins
17	03/23	(S) Conferees Named Seymour,Turner-Ford,Polk
18	03/25	(H) Conference Report Filed
19	03/25	(S) Conference Report Filed
20	03/26	(H) Conference Report Adopted {Vote}
21	03/29	(S) Conference Report Adopted {Vote}
22	03/31	(H) Enrolled Bill Signed
23	03/31	(S) Enrolled Bill Signed
24	04/14	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1Replaced by Substitute
[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1177

Conference Reports:
| Conference Report

Code Section: A 033-0011-0001

----- Additional Information -----

House Committee: Military Affairs
Senate Committee: Veterans and Military Affairs, Accountability, Efficiency, Transparency

Principal Author: Carpenter
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 33-11-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ADJUTANT GENERAL TO MAKE CONVEYANCES OF REAL PROPERTY ON BEHALF OF THE STATE THAT ARE IN THE BEST INTEREST OF THE MISSISSIPPI MILITARY DEPARTMENT AND CONVEY TO ANY PUBLIC ENTITY UPON SUCH TERMS AND CONDITIONS AS THE ADJUTANT GENERAL MAY DEEM ADVISABLE; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1177

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Carpenter, Stamps To: Military Affairs

HOUSE BILL NO. 1177
(As Sent to Governor)

AN ACT TO AMEND SECTION 33-11-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ADJUTANT GENERAL TO MAKE CONVEYANCES OF REAL PROPERTY ON BEHALF OF THE STATE THAT ARE IN THE BEST INTEREST OF THE MISSISSIPPI MILITARY DEPARTMENT AND CONVEY TO ANY PUBLIC ENTITY UPON SUCH TERMS AND CONDITIONS AS THE ADJUTANT GENERAL MAY DEEM ADVISABLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 33-11-1, Mississippi Code of 1972, is amended as follows:

33-11-1. The Adjutant General of this state may * * * make on behalf of the state, conveyances of real property * * * that are in the best interest of the Mississippi Military Department. * * * Such real property may be conveyed to a subdivision of government or state agency, institution, public university or community or junior college, for any consideration and upon such other terms and conditions as the Adjutant General may deem advisable. The Adjutant General is further empowered to enter into cooperative agreements with any county, municipality, or other political subdivision, of the state for * * * providing facilities for National Guard training purposes.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1187

Description: Mississippi Insurance E-Commerce Model Act; enact.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Insurance
2	01/31	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/11	(S) Referred To Insurance
7	02/22	(S) Title Suff Do Pass As Amended
8	03/08	(S) Amended
9	03/08	(S) Passed As Amended {Vote}
10	03/09	(S) Returned For Concurrence
11	03/16	(H) Concurred in Amend From Senate {Vote}
12	03/18	(H) Enrolled Bill Signed
13	03/18	(S) Enrolled Bill Signed
14	03/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1187

----- Additional Information -----

House Committee: Insurance
Senate Committee: Insurance

Principal Author: Ford (54th)

Title: AN ACT TO ENACT THE MISSISSIPPI INSURANCE E-COMMERCE MODEL ACT; TO PROVIDE THE PURPOSE OF THE ACT; TO PROVIDE DEFINITIONS FOR THE ACT; TO REGULATE THE ELECTRONIC DELIVERY OF INSURANCE DOCUMENTS AND NOTICES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Ford (54th) To: Insurance

HOUSE BILL NO. 1187
(As Sent to Governor)

AN ACT TO ENACT THE MISSISSIPPI INSURANCE E-COMMERCE MODEL ACT; TO PROVIDE THE PURPOSE OF THE ACT; TO PROVIDE DEFINITIONS FOR THE ACT; TO REGULATE THE ELECTRONIC DELIVERY OF INSURANCE DOCUMENTS AND NOTICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known as the "Mississippi Insurance E-Commerce Model Act."

SECTION 2. The purpose of this act is to provide consumers more choice, convenience and flexibility in managing their insurance.

SECTION 3. As used in this act, the following definitions apply:

(a) "Delivered by electronic means" means either of the following:

(i) Delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(ii) Posting on an electronic network or site accessible via the Internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with

separate notice of the posting provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party. The separate notice of the posting shall contain the Internet address at which the documents are posted. For purposes of this subsection, delivery shall be effective upon the latter of the posting or the actual delivery of the separate notice of the posting.

(b) "Party" means any recipient of any notice or document required as part of an insurance transaction, including, but not limited to, an applicant, an insured, a policyholder, or an annuity contract holder.

SECTION 4. (1) Subject to the requirements of this section, any notice to a party or any other document required by law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means if the electronic means meet the requirements of applicable state technology law.

(2) Delivery of a notice or document in accordance with this section shall be considered equivalent to and have the same effect as any delivery method required by law, including delivery by first class mail, first class mail with postage prepaid, certified mail, certificate of mail, or certificate of mailing.

(3) A notice or document may be delivered by electronic means by an insurer to a party pursuant to this section if all of the following apply:

(a) The party has affirmatively consented electronically, or confirmed consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means to which the party has given consent, and the party has not withdrawn the consent.

(b) The party, before giving consent, is provided with a clear and conspicuous statement informing the party of all of the following:

(i) The hardware and software requirements for access to and retention of a notice or document delivered by electronic means.

(ii) The types of notices and documents to which the party's consent would apply.

(iii) The right of the party to withdraw consent to have a notice or document delivered by electronic means, at any time, and any conditions or consequences imposed in the event consent is withdrawn.

(iv) The procedures a party must follow to withdraw consent, which can be no more burdensome than providing consent, to have a notice or document delivered by electronic means and to update the party's electronic mail address.

(v) The right of a party to have any notice or document delivered, upon request, in paper form.

(4) An insurer shall take all measures reasonably calculated to ensure that delivery by electronic means pursuant to this section results in receipt of the notice or document by the party.

SECTION 5. After the consent of a party is given, in the event a change in the hardware or software requirements needed to access or retain a notice or document to be delivered by electronic means creates a material risk that the party will not be able to access or retain the notice or document to which the consent applies, the insurer shall not deliver a notice or document to the party by electronic means unless the insurer complies with Section 4 of this act and provides the party with a statement that describes all of the following:

(a) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means.

(b) The right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

SECTION 6. (1) The provisions of this section shall not be construed to affect requirements related to content or timing of any notice or document required by any other provision of law.

(2) If a provision of this title or other applicable law requiring a notice or document to be provided to a party expressly

requires confirmation of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for confirmation of receipt by the recipient.

(3) This act shall not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this act to a party who, before that date, has consented to receive the notice or document in an electronic form otherwise allowed by law.

SECTION 7. The legal effectiveness, validity or enforceability of any contract or policy of insurance executed by a party shall not be denied solely because of the failure of the insurer to obtain electronic consent or confirmation of consent of the party in accordance with the provisions of this act if the notice or document is delivered in paper form.

SECTION 8. (1) A withdrawal of consent by a party shall not affect the legal effectiveness, validity or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective.

(2) A withdrawal of consent by a party shall be effective within a reasonable period of time after receipt of the withdrawal by the insurer.

(3) Failure by an insurer to comply with any provision of Sections 4 or 5 of this act may be treated, at the election of the party, as a withdrawal of consent for purposes of this act.

SECTION 9. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this act, and an insurer intends to deliver additional notices or documents to the party in an electronic form pursuant to this act, then prior to delivering the additional notices or documents electronically, the insurer shall comply with the provisions of Section 4 of this act and shall provide the party with a statement that describes both of the following:

(a) The notices or documents that shall be delivered by electronic means that were not previously delivered electronically.

(b) The party's right to withdraw consent to have notices or documents delivered by electronic means, without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

SECTION 10. An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if either of the following occurs:

(a) The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party.

(b) The insurer becomes aware that the electronic mail address provided by the party is no longer valid. The insured's

consent to electronic delivery shall not preclude the insurer from delivering a notice or document by any other delivery method permitted by law.

SECTION 11. An insurance producer shall not be subject to civil liability for any harm or injury that occurs because of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver or a party's failure to receive a notice or document by electronic means.

SECTION 12. (1) An insurance policy and an endorsement that does not contain personally identifiable information may be mailed, delivered, or, if the insurer obtains separate, specific consent, posted on the insurer's website. If the insurer elects to post an insurance policy and an endorsement on the insurer's website in lieu of mailing or delivering the policy and endorsement to the insured, the insurer shall comply with the following conditions:

(a) The policy and an endorsement must be accessible to the owner or insured and producer of record and remain that way while the policy is in force;

(b) After the expiration of the policy, the insurer shall either:

(i) Make the expired policy and endorsement available upon request, for a period of five (5) years; or

(ii) If the insurer continues to make the expired policy or endorsement available on its website, keep the insured's user ID active for a period of five (5) years;

(c) The policy and endorsement must be posted in a manner that enables the insured and producer of record to print and save the policy and endorsement using a program or application that is widely available on the Internet and free to use;

(d) The insurer shall provide the following information in, or simultaneous with, each declaration page provided at the time of issuance of the initial policy and any renewals of the policy:

(i) A description of the exact policy and endorsement form purchased by the insured;

(ii) A description of the insured's right to receive, upon request and without charge, an electronic and/or a paper copy of the policy and endorsement; and

(iii) The Internet address at which the policy and endorsement are posted;

(e) The insurer, upon an insured's request and once without charge following receipt of the initial copy, shall mail a paper copy of the policy and endorsement to the insured; and

(f) The insurer shall provide notice, either electronically or in writing at the insured's option, of any change to the forms or endorsement; the insured's right to obtain, upon request and once without charge following receipt of the

initial copy, a paper copy of the forms or endorsement; and the Internet address at which the forms or endorsement are posted.

(2) This section does not affect the timing or content of any disclosure or document required to be provided or made available to any insured under applicable law.

SECTION 13. All claims brought by insureds, workers' compensation claimants, or third parties against an insurer shall be paid by check or draft of the insurer or, if offered by the insurer and the claimant consents, electronic transfer of funds to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or her/his attorney, or upon direction of the claimant to one specified. However, when the employer has advanced the claims payment to the claimant, the check or draft shall be paid jointly to the claimant and the employer; or, if consented by all parties, the electronic payment shall be paid to the trust account. The check or draft shall be paid jointly until the amount of the advanced claims payment has been recovered by the employer. The electronic payment shall be held in trust until the amount of the advanced claims payment has been recovered by the employer.

SECTION 14. The Commissioner of Insurance may adopt rules to implement the provisions of this act.

SECTION 15. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1214

Description: Carbon dioxide geologic sequestration; revise laws regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Energy
2	02/01	(H) Title Suff Do Pass Comm Sub
3	02/08	(H) Read the Third Time
4	02/09	(H) Committee Substitute Adopted
5	02/09	(H) Passed {Vote}
6	02/10	(H) Transmitted To Senate
7	02/11	(S) Referred To Energy
8	02/28	(S) Title Suff Do Pass As Amended
9	03/09	(S) Amended
10	03/09	(S) Passed As Amended {Vote}
11	03/10	(S) Returned For Concurrence
12	03/15	(H) Concurred in Amend From Senate {Vote}
13	03/16	(H) Enrolled Bill Signed
14	03/16	(S) Enrolled Bill Signed
15	03/23	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1214

Code Section: A 053-0011-0003, A 053-0011-0005, A 053-0011-0009, A 053-0011-0011, A 053-0011-0031

----- Additional Information -----

House Committee: Energy
Senate Committee: Energy

Principal Author: Powell

Title: AN ACT TO AMEND SECTION 53-11-3, MISSISSIPPI CODE OF 1972, TO REVISE THE LEGISLATIVE FINDINGS REGARDING GEOLOGIC

SEQUESTRATION OF CARBON DIOXIDE; TO AMEND SECTION 53-11-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF RESERVOIR; TO AMEND SECTION 53-11-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THE STATE OIL AND GAS BOARD'S AUTHORITY WHEN ENTERING AN ORDER APPROVING A GEOLOGIC SEQUESTRATION FACILITY; TO PROVIDE FOR A METHOD FOR THE BOARD TO ENTER A PRELIMINARY TECHNICAL ORDER APPROVING ANY PROPOSED GEOLOGIC SEQUESTRATION OF CARBON DIOXIDE WHEN A MAJORITY INTEREST HAS NOT CONSENTED; TO AMEND SECTION 53-11-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE TIME PERIOD DURING WHICH A MAJORITY INTEREST MUST HAVE APPROVED IN WRITING OR THE ORDER REQUIRING UNIT OPERATION IS AUTOMATICALLY REVOKED; TO AMEND SECTION 53-11-31, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF INTERESTED PERSON REGARDING APPEALS TO CHANCERY COURT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Powell To: Energy

HOUSE BILL NO. 1214
(As Sent to Governor)

AN ACT TO AMEND SECTION 53-11-3, MISSISSIPPI CODE OF 1972, TO REVISE THE LEGISLATIVE FINDINGS REGARDING GEOLOGIC SEQUESTRATION OF CARBON DIOXIDE; TO AMEND SECTION 53-11-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF RESERVOIR; TO AMEND SECTION 53-11-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THE STATE OIL AND GAS BOARD'S AUTHORITY WHEN ENTERING AN ORDER APPROVING A GEOLOGIC SEQUESTRATION FACILITY; TO PROVIDE FOR A METHOD FOR THE BOARD TO ENTER A PRELIMINARY TECHNICAL ORDER APPROVING ANY PROPOSED GEOLOGIC SEQUESTRATION OF CARBON DIOXIDE WHEN A MAJORITY INTEREST HAS NOT CONSENTED; TO AMEND SECTION 53-11-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE TIME PERIOD DURING WHICH A MAJORITY INTEREST MUST HAVE APPROVED IN WRITING OR THE ORDER REQUIRING UNIT OPERATION IS AUTOMATICALLY REVOKED; TO AMEND SECTION 53-11-31, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF INTERESTED PERSON REGARDING APPEALS TO CHANCERY COURT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 53-11-3, Mississippi Code of 1972, is amended as follows:

53-11-3. (1) It is declared to be in the public interest for a public purpose and the policy of Mississippi that:

(a) The geologic sequestration of carbon dioxide will benefit the citizens of the state and the state's environment.

(b) Carbon dioxide is a valuable commodity to the citizens of the state.

(c) Geologic sequestration of carbon dioxide may allow for orderly withdrawal as appropriate or necessary, thereby allowing carbon dioxide to be available for commercial, industrial, or other uses, including the use of carbon dioxide for enhanced recovery of oil and gas.

(d) The state has substantial and valuable oil and gas reserves not producible by traditional recovery techniques, but which may be producible by enhanced recovery methods.

(e) The enhanced recovery of oil and gas by the injection of carbon dioxide into oil and gas reservoirs is a proven enhanced recovery method which results in additional production of oil and gas in the State of Mississippi and the sequestration of carbon dioxide.

(f) It is for the public benefit and in the public interest that the maximum amount of the state's oil and gas reserves be produced to the extent that it is economically and technologically feasible.

(g) It is for the public benefit and in the public interest that, to the extent that it is economically and technologically feasible, carbon dioxide be injected into and stored in oil and gas reservoirs and other geologic formations in a manner protective of waters of the state as defined in Section 49-17-5(f).

(h) Providing at the election of the operator for a current or former enhanced oil or gas recovery project to qualify

as a geologic sequestration project for the incidental storage of carbon dioxide will encourage enhanced oil or gas recovery projects and geologic sequestration projects and will be beneficial to the citizens of this state and will serve the public interest.

(i) Geologic sequestration of carbon dioxide is an emerging industry that has the potential to provide jobs, investment, and other economic opportunities for the people of Mississippi, and is a valuable incentive for Mississippi to attract new industry.

(j) It is the public policy of Mississippi and the purpose of this chapter to provide for a coordinated statewide program related to the geologic sequestration of carbon dioxide in reservoirs defined in this chapter; to provide procedures, in a manner fair to all interests, for the cooperative management of surface and subsurface property interests to ensure the maximum use of natural resources; and to also fulfill the state's primary responsibility for assuring compliance with the federal Safe Drinking Water Act, including any amendments thereto related to the underground injection of carbon dioxide for geologic sequestration.

(k) It is for the public benefit and in the public interest to promote projects for the secure geologic storage of carbon dioxide.

(2) The board shall have jurisdiction and authority over all persons and property necessary to enforce effectively the provisions of this chapter relating to the geologic sequestration of carbon dioxide streams and subsequent withdrawal of stored carbon dioxide streams. The board, on behalf of the State of Mississippi, shall seek primacy from the U.S. Environmental Protection Agency for Class VI underground injection control wells. The board shall enforce the law pursuant to Section 49-17-1 et seq. and shall serve as the permitting agency for Class VI underground injection control wells; and is authorized to promulgate such rules and regulations as are necessary for the development and administration of the Class VI underground injection control well program consistent with federal statutes, rules and regulations pertaining to geologic sequestration of carbon dioxide streams and assessment of fees for the development and administration of the Class VI underground injection control well program. Underground formations or strata used for the geologic sequestration of carbon dioxide that are not included in the term "reservoir" as defined in this chapter shall also be subject to the jurisdiction of the board. The board has primacy for Class II underground injection control wells and will have jurisdiction and authority over Class II underground injection control wells converted to Class VI underground injection control wells and Class VI underground injection control wells within reservoirs as defined in this chapter. All rules, regulations and

standards promulgated by the board shall be consistent with the requirements of federal statutes, rules and regulations related to Class VI underground injection control wells.

SECTION 2. Section 53-11-5, Mississippi Code of 1972, is amended as follows:

53-11-5. As used in this chapter, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise:

(a) "Board" means the State Oil and Gas Board created by Section 53-1-5.

(b) "Carbon dioxide" means: (i) naturally occurring carbon dioxide; (ii) geologically sourced carbon dioxide; (iii) anthropogenic carbon dioxide; or (iv) carbon dioxide stream. The term includes phases of carbon dioxide, whether fluid, liquid or gaseous, stripped, segregated, or divided from any other fluid stream thereof.

(c) "Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This paragraph (c) does not apply to any carbon dioxide stream that meets the definition of hazardous waste under federal environmental laws and regulations.

(d) "Class VI underground injection control wells" means wells that are not experimental in nature, that are used for geologic sequestration of a carbon dioxide stream, either alone or in combination with injection of carbon dioxide in other forms, and which inject beneath the lowermost formation containing an underground source of drinking water.

(e) "Department" means the Mississippi Department of Environmental Quality created by Section 49-2-4.

(f) "Enhanced oil or gas recovery project" means secondary recovery, pressure maintenance, repressuring operations, cycling operations, water-flooding operations, injection of carbon dioxide or other gaseous substances or any combination thereof, or any other form of effort calculated to increase the ultimate recovery of oil or gas or both from a reservoir.

(g) "Gas" has the same meaning as provided in Section 53-1-3(d).

(h) "Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. For purposes of this chapter, "storage" and "sequestration" have the same meaning. This term does not apply to carbon dioxide capture or transport.

(i) "Geologic sequestration facility" means a facility that receives and contains or sequesters carbon dioxide, or has done so, including:

(i) The reservoir into which carbon dioxide is injected;

(ii) Sequestration wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in geologic sequestration, owned by or under the control of the storage operator; and

(iii) Other property identified by the board as part of the facility.

The reservoir component of the geologic sequestration facility includes any necessary and reasonable buffer and subsurface monitoring zones designated by the board for the purpose of ensuring the safe and efficient operation of the geologic sequestration facility for the containment or sequestration of carbon dioxide and shall be chosen to protect against escape or migration of carbon dioxide. Nothing in this definition shall prevent orderly withdrawal of the contained carbon dioxide as appropriate or necessary to allow carbon dioxide to be available for enhanced oil or gas recovery projects or other authorized commercial, and industrial uses.

(j) "Oil" has the same meaning as provided in Section 53-1-3(c).

(k) "Oil and gas reservoir" shall mean a pool or field as defined in Section 53-1-3(e) and (f).

(l) "Owner," except when used in the phrases "working owner" or "royalty owner," shall have its ordinary, accepted meaning.

(m) "Person" means any natural person, corporation, association, partnership, limited liability company, or other entity, receiver, executor, administrator, fiduciary or representative of any kind.

(n) "Reservoir" means oil and gas reservoirs and formations above and below oil and gas reservoirs suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein, or any other geologic formation suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein, but only those formations for which the boundaries have been or can be delineated as provided in this chapter.

(o) "Royalty owner" means any person who possesses an interest in production of oil, gas or other commercial minerals, but who is not a "working owner" as defined in this section.

(p) "Safe Drinking Water Act" means the Safe Drinking Water Act, as amended, Title 42, Chapter 6A, Subchapter XII (42 USCS Section 300(f) et seq.).

(q) "Sequestration" means geologic sequestration as used in this chapter and may include the incidental storage of carbon dioxide associated with enhanced oil recovery or gas recovery project operations.

(r) "State" means the State of Mississippi.

(s) "Storage operator" means the person authorized by the board to operate a geologic sequestration facility.

(t) "Underground source of drinking water" means an aquifer or portion of an aquifer that supplies any public water system or that contains a sufficient quantity of ground water to supply a public water system, and currently supplies drinking water for human consumption, or that contains fewer than ten thousand (10,000) milligrams per liter total dissolved solids and is not an exempted aquifer.

(u) "Working owner" means the person who has the right to drill into and produce from any pool of oil, gas or other commercial minerals, and to appropriate the production either for himself or for himself and another or others.

SECTION 3. Section 53-11-9, Mississippi Code of 1972, is amended as follows:

53-11-9. (1) The board may enter an order, after notice and hearing pursuant to the provisions of Sections 53-1-19 through 53-1-37, approving any proposed geologic sequestration of carbon dioxide. The board shall be authorized to issue an order upon finding the following:

(a) That the reservoir sought to be used as a reservoir for the injection, storage and withdrawal of carbon dioxide is suitable and feasible for such use and in the public interest;

(b) That a majority interest, as provided in this chapter, have consented to such use in writing, or in the event that a majority has not consented, for the purpose of a preliminary technical order under this subsection (1) that must subsequently meet the requirements of Section 53-11-11(3), upon a showing by the storage operator that it has made a good-faith effort to obtain such majority consent, and that all nonconsenting owners are or will be equitably compensated;

(c) That there is no reasonable risk that the use of the reservoir for the storage of carbon dioxide will injure or endanger other formations containing fresh water, oil, gas or other commercial mineral deposits;

(d) That there is no reasonable risk that the proposed storage will endanger human lives or cause a hazardous condition to property; and

(e) In the case of a reservoir that may contain oil, gas or other commercial minerals, that either:

(i) The reservoir has been substantially depleted of all volumes of reservoir oil, gas or other commercial minerals and the requirements of Sections 53-11-11 and 53-11-13 have been satisfied; or

(ii) The reservoir has a greater value or utility as a reservoir for carbon dioxide storage than for the production of the remaining volumes of reservoir oil, gas, condensate or

other commercial mineral, if any, and the requirements of Sections 53-11-11 and 53-11-13 have been satisfied.

(2) Approval of a geologic sequestration facility by the board shall provide full and complete authority for the construction, equipping and operation of the geologic sequestration facility without need of further action or grant by any person.

(* * *3) Neither injection nor an order of the board shall affect ownership of the carbon dioxide or inhibit the voluntary conveyance of title to the carbon dioxide by the owner. The board may issue any necessary order to protect the title of an owner to carbon dioxide injected into a geologic sequestration facility. The carbon dioxide shall not be subject to the right of any person other than the owner of the carbon dioxide to produce, take, reduce to possession, or otherwise interfere with or exercise any control thereover. The owner of the carbon dioxide shall have no right to gas, liquid hydrocarbons, salt or other commercial minerals in any stratum or portion thereof not determined by the board to constitute an approved sequestration reservoir which are not otherwise owned or leased by the owner.

SECTION 4. Section 53-11-11, Mississippi Code of 1972, is amended as follows:

53-11-11. (1) Upon application by an operator to unitize for a geologic sequestration facility in an oil or gas reservoir that is not unitized either under this chapter or by board order

under the provisions of * * * Section 53-3-103 or 53-3-155, after notice as provided in Section 53-3-115, the board shall hold a hearing to consider the operation of the reservoir for the storage of carbon dioxide to determine whether the predominant result of the injection operations will be the storage of carbon dioxide or will result in an increase in the ultimate recovery of oil or gas, or both, from the proposed geologic sequestration facility. After the hearing the board may:

(a) Determine from the evidence that the reservoir has more value as a geologic sequestration facility than as an enhanced oil or gas recovery project, and as a result, the board shall enter an order for the operation of the unit as a geologic sequestration facility upon making the additional findings set forth in Section 53-11-13.

(b) Determine from the evidence that the predominant result of the injection operations will be an increase in the ultimate recovery of oil or gas or both, and as a result, the board shall not approve the application for a geologic sequestration facility. However, this shall not prevent the board, upon application of the operator, from approving operation of an existing enhanced oil or gas recovery project simultaneously as a geologic sequestration project, recognizing the incidental storage of carbon dioxide under the provisions set forth in Section 53-11-15(1)(d).

(2) Upon application by an operator to unitize for a geologic sequestration facility in any other nonoil, nongas or noncommercial mineral-bearing reservoir that needs to be unitized, after notice as provided, the board shall hold a hearing to consider the evidence, and shall enter an order for the operation of the reservoir as a geologic sequestration facility upon making the findings set forth in Sections 53-11-9(1) and 53-11-13.

(3) An order requiring unit operations of a geologic sequestration facility shall be effective only when the unit for the geologic sequestration facility and the agreements incorporating the pertinent provisions of Section 53-11-15 have been signed, ratified, adopted or approved in writing by a majority interest of the surface interest, on the basis of, and in proportion to, the surface acreage content of the unit area, and, if separately owned, a majority interest of all rights of the subsurface reservoir, on the basis of and in proportion to the surface acreage content of the unit area, and the board has made a finding to that effect, either in the order or in a supplemental order.

(4) If the board finds under Section 53-11-9(1)(e) that a reservoir has been substantially depleted of commercially recoverable quantities of oil or gas or other commercial minerals or that the reservoir has greater utility as a reservoir for carbon dioxide storage and that the remaining conditions of Section 53-11-9(1) have been satisfied; or if the board finds that

a nonoil, nongas or noncommercial mineral-bearing reservoir satisfies the conditions of Section 53-11-9(1)(a) through (d) and all other conditions the board shall require have been satisfied, the board shall issue an order approving the reservoir for the injection and storage of carbon dioxide in connection with operation of a geologic sequestration facility. An order approving any geologic sequestration facility shall be effective only when the storage rights agreement has been signed, ratified, adopted or approved in writing by a majority interest of the surface interest, on the basis of, and in proportion to, the surface acreage content of the unit area under the terms of the order; and, if separately owned, a majority interest of all rights in the underground reservoir, on the basis of, and in proportion to, the surface acreage content of the unit area. If oil, gas or commercial minerals are expected to be produced and sold or used in connection with the geologic sequestration facility in a depleted oil, gas or commercial mineral-bearing reservoir, or such a reservoir that has greater utility as a geologic sequestration facility, then a majority interest of all working owners of such oil, gas or commercial minerals, on the basis of, and in proportion to, the surface acreage content of the unit area under the terms of the order, must also consent to the allocation of the production in writing before an order approving the geologic sequestration facility shall be effective.

(5) In the event the required percentages set forth in this section have not signed, ratified or approved the respective agreements within * * * twenty-four (24) months from and after the date of the order, the order requiring unit operation shall be automatically revoked.

SECTION 5. Section 53-11-31, Mississippi Code of 1972, is amended as follows:

53-11-31. Any interested person, as defined in this section, adversely affected by any provision or section of this chapter within the jurisdiction of the board or by any rule, regulation or order made by the board thereunder, or by any act done or threatened thereunder, may obtain court review and seek relief by appeal to the Chancery Court of the First Judicial District of Hinds County, Mississippi, or the chancery court of the county in which the land involved, or any part thereof, is situated. The term "interested person" * * * means all mineral and royalty owners, mineral lessees, if any, and the owners of surface on which injection or reinjection wells and other surface equipment connected with a geologic sequestration facility is or will be situated. Any interested party may appeal to the chancery court of the county in which the land involved or any part thereof is situated, if appeal is demanded within thirty (30) days from the date that the rule, regulation or order of the board is filed for record in the office of the board.

The appeal may be taken by filing notice of the appeal with the board, whereupon the board shall, under its certificate, transmit to the court appealed to all documents and papers on file in the matter, together with a transcript of the record, which documents and papers together with said transcript of the record shall be transmitted to the clerk of the chancery court of the county to which the appeal is taken.

Except as otherwise provided in this section, the appeal otherwise shall be made in accordance with the provisions of Sections 53-1-39 and 53-1-41.

SECTION 6. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1222

Description: Line-Item Appropriation Transparency Act; make certain technical amendments to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Appropriations
2	01/27	(H) Title Suff Do Pass
3	02/02	(H) Passed {Vote}
4	02/03	(H) Transmitted To Senate
5	02/17	(S) Referred To Appropriations
6	03/01	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/16	(H) Concurred in Amend From Senate {Vote}
11	03/18	(H) Enrolled Bill Signed
12	03/18	(S) Enrolled Bill Signed
13	03/24	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1222

Code Section: A 027-0104-0351

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Currie
Additional Authors: Turner

Title: AN ACT TO AMEND SECTION 27-104-351, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS BY WHICH A STATE AGENCY MAY PROVIDE

A RECIPIENT ENTITY PASS-THROUGH FUNDING UNDER THE LINE-ITEM APPROPRIATION TRANSPARENCY ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Currie, Turner To: Appropriations

HOUSE BILL NO. 1222
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-104-351, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS BY WHICH A STATE AGENCY MAY PROVIDE A RECIPIENT ENTITY PASS-THROUGH FUNDING UNDER THE LINE-ITEM APPROPRIATION TRANSPARENCY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-351, Mississippi Code of 1972, is amended as follows:

27-104-351. (1) This section shall be known and may be cited as the "Line-Item Appropriation Transparency Act."

(2) As used in this section, unless the context clearly indicates otherwise:

(a) "Local government entity" means any county, municipality, school district, public hospital or other political subdivision of the state.

(b) "Pass-through funding" means a line-item appropriation by the Legislature to a state agency that is itemized on a separate line in a * * * <u>state agency's appropriation bill</u> and that is intended to be passed through the state agency to one or more:

(i) Local government entities;

(ii) Private organizations, including not-for-profit organizations; or

(iii) Persons in the form of a loan or grant. "Pass-through funding" may be general funds, dedicated credits, or any combination of state funding sources, and may be ongoing or one-time.

(c) "Recipient entity" means a local government entity or private entity, including a nonprofit entity, that receives money by way of pass-through funding from a state agency.

(d) "State agency" shall have the same meaning as provided in Section 27-103-103, and shall include any other subagency or board under the supervision of that state agency.

(e) "State money" means * * * funds in the State General Fund and all state-support special funds which are in the Budget Contingency Fund, Capital Expense Fund, Working-Cash Stabilization Reserve Fund, Education Enhancement Fund, Healthcare Expendable Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast Restoration Fund and any other special funds that are determined by the Joint Legislative Budget Committee to be a state-support special fund. "State money" does not include contributions or donations received by a state agency.

(f) "Department" means the Department of Finance and Administration.

(3) A state agency may not provide a recipient entity state money from pass-through funding unless:

(a) The state agency enters into a written agreement with the recipient entity, which details the criteria and reporting requirements as provided in this section; and

(b) The written agreement described in paragraph (a) of this subsection requires the recipient entity to provide to the state agency the following:

(i) * * * A written description and an itemized report detailing the expenditure of state money or the intended expenditure of any state money that has not been spent. Such report shall be submitted at least quarterly on dates determined by the department; and

(ii) A final written itemized report when all the state money is spent.

Disbursements shall only be made after the written agreement described in paragraph (a) of this subsection has been signed and shall be contingent upon the recipient entity complying with the quarterly reporting requirements required by paragraph (b) of this subsection.

(4) * * * On or before June 30 of each year or a date determined by the department, a state agency shall provide to the department a copy of the written agreements, written descriptions, and reports of itemized expenditures required under subsection (3) of this section.

(5) * * * The department is responsible for obtaining the written agreements, written descriptions, and itemized reports required by subsection (3) of this section from state agencies. The department is further responsible for consolidating and presenting a report on the previous fiscal year's pass-through expenditures and providing it to the Joint Legislative Budget Committee by October 1 of each year.

(6) The department shall create all of the following documents which shall be in such form and contain such information as the department prescribes:

(a) Written agreement as described in subsection (3)(a) of this section;

(b) Written description and itemized report as described in subsection (3)(b) of this section; and

(c) Final itemized report as described in subsection (3)(b) of this section.

A state agency shall utilize these documents when complying with the criteria set forth in this act.

(* * *7) Notwithstanding subsection (3) of this section, a state agency is not required to comply with this section to the extent that the pass-through funding is issued:

(a) Under a competitive award process;

(b) In accordance with a formula enacted in statute;

(c) In accordance with a state program under parameters in statute or rule that guides the distribution of the pass-through funding;

(d) Under the authority of the Mississippi Accountability and Adequate Education Program Act of 1997, Section 37-151-1 et seq.; or

(e) In accordance with an appropriations act of the Legislature that specifically provides an exemption from the provisions of this section.

(* * *8) Unless a recipient entity is required to comply with Section 31-7-1 et seq. because it is an agency or public body, the fact that it is a recipient entity does not create such an obligation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1328

Description: Mississippi Industries for the Blind; revise authority to enter into certain agreements and contracts.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H) Referred To Accountability, Efficiency, Transparency
2	01/27	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/17	(S) Referred To Accountability, Efficiency, Transparency
7	02/24	(S) Title Suff Do Pass
8	03/09	(S) Passed {Vote}
9	03/10	(S) Returned For Enrolling
10	03/14	(H) Enrolled Bill Signed
11	03/15	(S) Enrolled Bill Signed
12	03/22	Approved by Governor

Code Section: A 043-0003-0101

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Deweese

Title: AN ACT TO AMEND SECTION 43-3-101, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI INDUSTRIES FOR THE BLIND TO ENTER INTO AGREEMENTS AND CONTRACTS WITH DIFFERENT ENTITIES AND AGREE TO THE TERMS OF INDEMNIFICATION, THE LAW OF ANOTHER STATE OR JURISDICTION OR OTHER SUCH TERMS IF IT DETERMINES THAT THE AGREEMENTS AND CONTRACTS WOULD BE IN ITS BEST INTERESTS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1328

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Representative Deweese

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1328

AN ACT TO AMEND SECTION 43-3-101, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI INDUSTRIES FOR THE BLIND TO ENTER INTO AGREEMENTS AND CONTRACTS WITH DIFFERENT ENTITIES AND AGREE TO THE TERMS OF INDEMNIFICATION, THE LAW OF ANOTHER STATE OR JURISDICTION OR OTHER SUCH TERMS IF IT DETERMINES THAT THE AGREEMENTS AND CONTRACTS WOULD BE IN ITS BEST INTERESTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-3-101, Mississippi Code of 1972, is amended as follows:

43-3-101. (1) There is hereby created and established an agency of the State of Mississippi known as the Mississippi Industries for the Blind, hereinafter referred to as the "MIB." The MIB shall be a body politic and corporate, may acquire and hold real and personal property, may receive, hold and disperse monies appropriated to it by the Legislature of the State of Mississippi received from the federal government, received from the sale of products which it produces, and received from any other sources whatsoever, and may sue and be sued in its name. The MIB is authorized and empowered to establish nonprofit

entities for the purpose of defraying costs incurred in the performance of the MIB's purpose and responsibilities.

(2) The MIB may enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations or persons that the MIB determines are in its best interests. The MIB may enter into any contracts and other agreements necessary for those purposes, and in doing so, the MIB may agree to terms of indemnification, the law of another state or jurisdiction or other necessary terms when, in the judgment of the MIB, that decision is in its best interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1343

Description: Columbia Training School property; authorize DFA to transfer and convey certain portion of to Marion County Economic Development District.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Public Property
2	01/25	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/15	(S) Referred To Public Property
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/15	(H) Decline to Concur/Invite Conf
12	03/18	(H) Conferees Named Weathersby,Holloway,Morgan
13	03/23	(S) Conferees Named Turner-Ford,Harkins,Barrett
14	03/28	(H) Conference Report Filed
15	03/28	(S) Conference Report Filed
16	03/29	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	03/31	(H) Enrolled Bill Signed
19	03/31	(S) Enrolled Bill Signed
20	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1343

Conference Reports:

Conference Report

Code Section: A 043-0027-0039

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Morgan
Additional Authors: Weathersby

Title: AN ACT TO AMEND CHAPTER 386, LAWS OF 2017, AS AMENDED BY SECTION 3, CHAPTER 449, LAWS OF 2018, AS LAST AMENDED BY SECTIONS 1 AND 2, CHAPTER 363, LAWS OF 2019, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Morgan, Weathersby To: Public Property

HOUSE BILL NO. 1343
(As Sent to Governor)

AN ACT TO AMEND CHAPTER 386, LAWS OF 2017, AS AMENDED BY SECTION 3, CHAPTER 449, LAWS OF 2018, AS LAST AMENDED BY SECTIONS 1 AND 2, CHAPTER 363, LAWS OF 2019, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER AND CONVEY CERTAIN REAL PROPERTY LOCATED AT COLUMBIA TRAINING SCHOOL IN MARION COUNTY, MISSISSIPPI, TO THE MARION COUNTY ECONOMIC DEVELOPMENT DISTRICT; TO AMEND SECTION 43-27-39, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Chapter 386, Laws of 2017, as amended by Section 3, Chapter 449, Laws of 2018, as last amended by Sections 1 and 2, Chapter 363, Laws of 2019, is amended as follows:

Section 3. (1) The Department of Finance and Administration is authorized to transfer and convey to the Marion County Economic Development District certain real property located at Columbia Training School in Marion County, Mississippi. The real property contains approximately 1,148.92 acres, more or less, and is more particularly described as follows:

Parcel 1 Description:

Commencing at a found iron pin at the Northwest Corner of Section 15, Township 4 North, Range 18 West, thence

South 88 degrees 44 minutes 13 seconds East a distance of 1,320.20 feet to the NE corner of the NW ¼ of the of the NW ¼ of Section 15, Township 4 North, Range 18 West and the point beginning, thence South 88 degrees 44 minutes 13 seconds East a distance of 4,066.30 feet to the NE corner of Section 15, Township 4 North, Range 18 West, thence South 00 degrees 05 minutes 56 seconds West a distance of 242.83 feet along the East line of Section 15, Township 4 North, Range 18 West, thence South 47 degrees 12 minutes 45 seconds West a distance of 4,789.95 feet along the north boundary of the Columbia-Marion County Airport Authority property, thence South 44 degrees 56 minutes 53 seconds West a distance of 761.75 feet along the north boundary of the Columbia-Marion County Airport Authority property to the center of the SW ¼ of Section 15, Township 4 North, Range 18 West, thence North 00 degrees 09 minutes 35 seconds East a distance of 4,125.33 feet to the NE corner of the NW ¼ of the NW ¼ of Section 15, Township 4 North, Range 18 West back to an iron pin and the point of beginning, Said parcel containing 202.11 acres, more or less.

Parcel 2 Description:

Commencing at a found pine stake at the Southeast Corner of the SE ¼ of the NE ¼ of Section 27, Township 4 North,

Range 18 West, thence North 00 degrees 05 minutes 56 seconds East a distance of 6,028.64 feet to a point on the East line of Section 22, Township 4 North, Range 18 West to the point beginning, thence South 89 degrees 44 minutes 33 seconds West a distance of 4,068.43 feet to the SE corner of the N ½ of the SW ¼ of the of the NW ¼ of Section 22, Township 4 North, Range 18 West, thence North 00 degrees 49 minutes 42 seconds East a distance of 1,648.69 feet to the South boundary of Columbia-Marion County Airport Authority Property, thence North 62 degrees 00 minutes 33 seconds East a distance of 181.98 feet along the South boundary of the Columbia-Marion County Airport Authority Property, thence North 62 degrees 00 minutes 33 seconds East a distance of 1,448.60 feet along the South boundary of the Columbia-Marion County Airport Authority Property, thence North 59 degrees 44 minutes 40 seconds East a distance of 3,023.35 feet along the South boundary of the Columbia-Marion County Airport Authority Property to a point on the East line of Section 15, Township 4 North, Range 18 West, thence South 00 degrees 05 minutes 56 seconds West a distance of 3,918.86 feet to a point on the east line of Section 22, Township 4 North, Range 18 West back to the point of beginning, Said parcel containing 256.81 acres, more or less.

Parcel 3 Description:

Beginning at a found pine stake at the Southeast Corner of the SE ¼ of the NE ¼ of Section 27, Township 4 North, Range 18 West, thence North 89 degrees 42 minutes 39 seconds West a distance of 1,323.60 feet to the NW corner of the NE ¼ of the SW ¼ of Section 27, Township 4 North, Range 18 West, thence South 00 degrees 23 minutes 21 seconds West a distance of 1,320.0 feet to the SW corner of the NE ¼ of the SE ¼ of Section 27, Township 4 North, Range 18 West, thence South 89 degrees 42 minutes 39 seconds East a distance of 662.10 feet to the NE corner of the W ½ of the SE ¼ of the SE ¼ of Section 27, Township 4 North, Range 18 West, thence South 00 degrees 23 minutes 21 seconds West a distance of 1,320.0 feet to the SE corner of the W ½ of the SE ¼ of the SE ¼ of Section 27, Township 4 North, Range 18 West, thence South 89 degrees 42 minutes 37 seconds East a distance of 662.50 feet to the SE corner of Section 27, Township 4 North, Range 18 West, thence South 00 degrees 23 minutes 21 seconds West a distance of 114.57 feet to a point on the north right of way line of Old Highway 44, thence South 84 degrees 05 minutes 37 seconds West a distance of 2,278.91 feet along said north right of way, thence South 82 degrees 30 minutes 32 seconds West a distance of 1,164.47 feet along said north right of way,

thence South 73 degrees 56 minutes 48 seconds West a distance of 1,400.42 feet along said north right of way, thence South 64 degrees 06 minutes 42 seconds West a distance of 277.68 feet along said north right of way, thence South 38 degrees 11 minutes 49 seconds West a distance of 240.36 feet along said north right of way, thence South 38 degrees 11 minutes 49 seconds West a distance of 69.88 feet along said north right of way to the north line of the S ½ of the NW ¼ of Section 34, Township 4 North, Range 18 West, thence South 89 degrees 45 minutes 36 seconds West a distance of 127.05 feet to the NW corner of the S ½ of the NW ¼ of Section 34, Township 4 North, Range 18 West, thence North 00 degrees 04 minutes 10 seconds West a distance of 3,929.52 feet to the NW corner of the SW ¼ of Section 27, Township 4 North, Range 18 West, thence North 89 degrees 49 minutes 47 seconds West a distance of 1,294.10 feet to the NE corner NW ¼ of the SE ¼ of Section 28, Township 4 North, Range 18 West, thence North 00 degrees 16 minutes 38 seconds West a distance of 2,649.20 feet to the NE corner of the W ½ of the NE ¼ of Section 28, Township 4 North, Range 18 West. thence East a distance of 265.82 feet to the west right of way line of Airport Road, thence along said west right of way line as follows: thence South 42 degrees 05 minutes 14 seconds East a

distance of 107.03 feet, thence South 27 degrees 31 minutes 10 seconds East a distance of 185.56 feet, thence South 21 degrees 40 minutes 56 seconds East a distance of 1,482.37 feet, thence North 43 degrees 56 minutes 03 seconds East a distance of 497.83 feet crossing Airport Road and running along the south boundary of Marion County Economic Development District property, thence continuing along said south boundary North 43 degrees 58 minutes 36 seconds East a distance of 1,761.55 feet to the north line of Section 27 Township 4 North, Range 18 West. thence run East a distance of 4,097.68 feet to the NE corner of Section 27, Township 4 North, Range 18 East, thence South 00 degrees 05 minutes 56 seconds West a distance of 2,684.70 feet along the east line of Section 27, Township 4 North, Range 18 West back to the point of beginning said parcel containing 690.0 acres, more or less.

(2) The State of Mississippi shall retain any mineral rights to the property transferred and conveyed under subsection (1) of this section. The Department of Finance and Administration shall have the authority to correct any discrepancies in the property descriptions provided in subsection (1) of this section.

(3) The parcels of property conveyed under this section must be conveyed to the Marion County Economic Development District

without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon. Upon receipt of the deed of title to the property, the Marion County Economic Development District shall indemnify the State of Mississippi for any damage, injury or loss.

(4) Upon sale or conveyance of the parcels of property conveyed hereunder, the Marion County Economic Development District shall first be reimbursed for out-of-pocket expenses for development of the parcels of property for water, sewer, roads, bridges, and electrical, and any remaining funds from the sale or conveyance shall be divided equally between the Marion County Economic Development District and the state.

(5) The parcels of property conveyed hereunder shall be sold for not less than the fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

(6) The Columbia-Marion County Airport Authority and the Marion County Economic Development District shall provide the Mississippi Department of Human Services six (6) months to harvest and sell any timber located on the property transferred using a company of the department's preference prior to any improvement or

development being made on the property by such entities, the revenue generated from which shall be deposited into the State Treasury and earmarked for use by the Department of Human Services for all administrative and program purposes deemed necessary by the executive director. Upon harvesting the timber on the property described in subsection (1) of this section within the time specified in this subsection (6), the Department of Human Services shall forfeit all future rights to any timber remaining on or regrown on the property, as well as any right of easement for accessing the property, and such rights shall then rest with the Marion County Economic Development District.

SECTION 2. Section 43-27-39, Mississippi Code of 1972, is amended as follows:

43-27-39. (1) The purpose of this section is to ensure that Mississippi's juvenile justice system is cost-efficient and effective at reducing juvenile crime and to create a continuum of options for Mississippi's youth court judges so that they are better equipped to protect our communities and to care for our children.

(2) The Columbia Training School shall no longer operate as a secure training school for juvenile delinquents. All youth, both male and female, committed to the custody of the Department of Human Services and adjudicated to training school shall be housed at the Oakley Youth Development Center. The Oakley Youth

Development Center shall provide gender-specific treatment for youth who are adjudicated delinquent.

(3) Any portion of Columbia Training School property and facilities described in Section 1 of Chapter 553, Laws of 2012, may be conveyed or transferred to the Board of Supervisors of Marion County, Mississippi.

(4) Any portion of Columbia Training School property and facilities described in Section 2 of Chapter 386, Laws of 2017, may be conveyed or transferred to the Marion County Economic Development District for the purposes prescribed under that section.

(5) Any portion of Columbia Training School property and facilities described in Section 1 of this act may be conveyed or transferred to the Marion County Economic Development District.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1365

Description: Elections; prohibit state and local officials from soliciting and/or accepting private funds for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Apportionment and Elections
2	02/01	(H) Title Suff Do Pass Comm Sub
3	02/09	(H) Committee Substitute Adopted
4	02/09	(H) Amended
5	02/09	(H) Passed As Amended {Vote}
6	02/14	(H) Transmitted To Senate
7	02/15	(S) Referred To Elections
8	02/28	(S) Title Suff Do Pass As Amended
9	03/07	(S) Amended
10	03/07	(S) Passed As Amended {Vote}
11	03/08	(S) Returned For Concurrence
12	03/09	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Beckett,Eubanks,Powell
14	03/22	(S) Conferees Named Tate,Parker,Blount
15	03/23	(H) Conference Report Filed
16	03/23	(S) Conference Report Filed
17	03/24	(S) Conference Report Adopted {Vote}
18	03/25	(H) Conference Report Adopted {Vote}
19	03/27	(H) Enrolled Bill Signed
20	03/27	(S) Enrolled Bill Signed
21	04/01	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1365

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections

Principal Author: Gunn

Title: AN ACT TO PROHIBIT ANY AGENCY OR STATE OR LOCAL OFFICIAL FROM SOLICITING, ACCEPTING OR OTHERWISE USING PRIVATE FUNDS FOR ANY ELECTION-RELATED EXPENSES OR VOTER EDUCATION, VOTER OUTREACH OR VOTER REGISTRATION PROGRAMS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Gunn

To: Apportionment and Elections

HOUSE BILL NO. 1365
(As Sent to Governor)

AN ACT TO PROHIBIT ANY AGENCY OR STATE OR LOCAL OFFICIAL FROM SOLICITING, ACCEPTING OR OTHERWISE USING PRIVATE FUNDS FOR ANY ELECTION-RELATED EXPENSES OR VOTER EDUCATION, VOTER OUTREACH OR VOTER REGISTRATION PROGRAMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. No agency or state or local official responsible for conducting elections may solicit, accept, use or dispose of any donation in the form of money, grants, property or personal services from an individual or a nongovernmental entity for the purpose of funding election-related expenses or voter education, voter outreach or voter registration programs. This section does not prohibit the donation and acceptance of space to be used for a polling place. This section shall not prohibit an individual from contributing his or her personal time to assist with voter education, voter outreach, voter registration programs or other election-related programs as long as such individual receives no compensation or in-kind donation for contributing his or her time.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1378

Description: Memorial highways; designate in Prentiss County.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Transportation; Appropriations
2	01/26	(H)	DR - TSDPCS: TR To AP
3	01/27	(H)	DR - TSDPCS: AP To TR
4	01/27	(H)	Title Suff Do Pass Comm Sub
5	02/08	(H)	Committee Substitute Adopted
6	02/08	(H)	Passed {Vote}
7	02/10	(H)	Transmitted To Senate
8	02/11	(S)	Referred To Highways and Transportation
9	03/01	(S)	Title Suff Do Pass
10	03/08	(S)	Amended
11	03/08	(S)	Passed As Amended {Vote}
12	03/09	(S)	Returned For Concurrence
13	03/16	(H)	Concurred in Amend From Senate {Vote}
14	03/18	(H)	Enrolled Bill Signed
15	03/18	(S)	Enrolled Bill Signed
16	03/23		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1378

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation

Principal Author: Arnold

Title: AN ACT TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 130 LOCATED IN PRENTISS COUNTY, MISSISSIPPI, AS THE "CORPORAL WALTER GANN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Arnold

To: Transportation; Appropriations

HOUSE BILL NO. 1378
(As Sent to Governor)

AN ACT TO DESIGNATE A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 130 LOCATED IN PRENTISS COUNTY, MISSISSIPPI, AS THE "CORPORAL WALTER GANN MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 130 located in Prentiss County, Mississippi, beginning at its intersection with County Road 2040 and extending to its intersection with Mississippi Highway 364, is designated and shall be known as the "Corporal Walter Gann Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1388

Description: Comprehensive Career and Technical Reform Act; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Workforce Development
2	01/31	(H)	Title Suff Do Pass Comm Sub
3	02/03	(H)	Committee Substitute Adopted
4	02/03	(H)	Passed {Vote}
5	02/04	(H)	Transmitted To Senate
6	02/21	(S)	Referred To Economic and Workforce Development; Education
7	02/24	(S)	DR - TSDPAA: EC To ED
8	03/01	(S)	Title Suff Do Pass As Amended
9	03/07	(S)	Amended
10	03/07	(S)	Passed As Amended {Vote}
11	03/08	(S)	Returned For Concurrence
12	03/15	(H)	Concurred in Amend From Senate {Vote}
13	03/17	(H)	Enrolled Bill Signed
14	03/17	(S)	Enrolled Bill Signed
15	03/23		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1388

Code Section: A 037-0153-0015, A 037-0017-0006, A 037-0003-0002, A 037-0016-0003, A 037-0016-0017

----- Additional Information -----

House Committee: Workforce Development
Senate Committee: Economic and Workforce Development, Education

Principal Author: Gunn
Additional Authors: Miles

Title: AN ACT TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL EDUCATION REFORM ACT"; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT, SUBJECT TO APPROPRIATION BY THE LEGISLATURE, TO PILOT A CAREER COACHING PROGRAM TO SUPPORT MIDDLE SCHOOLS AND HIGH SCHOOLS AS STUDENTS ARE EXPOSED, PREPARED AND CONNECTED TO CAREER AVENUES WITHIN AND BEYOND THE CLASSROOM SETTING; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO ENSURE ALIGNMENT OF CAREER AND TECHNICAL EDUCATION COURSES ACROSS THE PUBLIC SCHOOL SYSTEM AND COMMUNITY COLLEGE SYSTEM; TO REQUIRE THE STATE WORKFORCE INVESTMENT BOARD TO CREATE A SINGLE LIST OF NATIONALLY RECOGNIZED INDUSTRY CERTIFICATIONS FOR USE IN THE MISSISSIPPI ACCREDITATION SYSTEM, IN DIPLOMA ENDORSEMENT REQUIREMENTS AND FOR CERTAIN REIMBURSEMENTS; TO AMEND SECTION 37-153-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "QUALIFYING INDUSTRY CERTIFICATION"; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT TO WORK IN PARTNERSHIP WITH THE MISSISSIPPI DEPARTMENT OF EDUCATION AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO COMPLETE A PROGRAM INVENTORY AND RETURN ON INVESTMENT ANALYSIS OF WORKFORCE DEVELOPMENT PROGRAMS IN THE STATE; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT TO DEVELOP CROSS-SECTOR PARTNERSHIPS AMONG K-12 EDUCATION, EMPLOYERS AND INDUSTRY AND POSTSECONDARY EDUCATION TO COMPLETE CERTAIN OBJECTIVES; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE ADMINISTRATION OF A CAREER-READINESS ASSESSMENT, SUCH AS, BUT NOT LIMITED TO, THE ACT WORKKEYS ASSESSMENT, DEEMED APPROPRIATE BY THE MISSISSIPPI DEPARTMENT OF EDUCATION WORKING IN COORDINATION WITH THE OFFICE OF WORKFORCE DEVELOPMENT; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT WITHIN THE DEPARTMENT OF EDUCATION SHALL HAVE THE DUTY OF ESTABLISHING CERTAIN STANDARDS, SUBJECT TO THE APPROVAL OF THE STATE BOARD OF EDUCATION, FOR SUPPLEMENTAL ENDORSEMENTS TO THE LICENSES AND CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS; TO PROVIDE THAT LOCAL BUSINESS OR OTHER PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED AN EXPERT CITIZEN-TEACHER LICENSE; TO EXPAND THE EXPERT CITIZEN-TEACHER LICENSE FROM ONE YEAR TO FIVE YEARS; TO REQUIRE THE DEPARTMENT OF EDUCATION TO GRANT AND RENEW ALL LICENSES AND CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS WITHIN 21 DAYS FROM THE DATE OF A COMPLETED APPLICATION IF THE APPLICANT HAS OTHERWISE MET ALL ESTABLISHED REQUIREMENTS FOR THE LICENSE OR CERTIFICATION; TO AMEND

SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE UNIFORM STATEWIDE TESTING PROGRAM SHALL PROVIDE FOR THE ADMINISTRATION OF A CAREER-READINESS ASSESSMENT, SUCH AS, BUT NOT LIMITED TO, THE ACT WORKKEYS ASSESSMENT, DEEMED APPROPRIATE BY THE MISSISSIPPI DEPARTMENT OF EDUCATION WORKING IN COORDINATION WITH THE OFFICE OF WORKFORCE DEVELOPMENT, TO ANY STUDENTS ELECTING TO TAKE THE ASSESSMENT; TO PROVIDE THAT EACH INDIVIDUAL SCHOOL DISTRICT SHALL DETERMINE WHETHER THE ASSESSMENT IS ADMINISTERED IN THE NINTH, TENTH, ELEVENTH OR TWELFTH GRADE; TO AMEND SECTION 37-16-17, MISSISSIPPI CODE OF 1972, TO REVISE THE TERMINOLOGY USED FOR CAREER EDUCATION FROM "TRACK" TO "CAREER TECHNICAL EDUCATION PATHWAYS"; TO PROVIDE THE CURRICULUM THAT MAY BE INCLUDED IN CAREER TECHNICAL EDUCATION PATHWAYS; TO PROVIDE THAT THE CAREER TECHNICAL EDUCATION PATHWAYS COURSES MAY BE TAILORED TO THE INDIVIDUAL NEEDS OF EACH SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1388

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Gunn, Miles To: Workforce Development

HOUSE BILL NO. 1388
(As Sent to Governor)

AN ACT TO CREATE THE "COMPREHENSIVE CAREER AND TECHNICAL EDUCATION REFORM ACT"; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT, SUBJECT TO APPROPRIATION BY THE LEGISLATURE, TO PILOT A CAREER COACHING PROGRAM TO SUPPORT MIDDLE SCHOOLS AND HIGH SCHOOLS AS STUDENTS ARE EXPOSED, PREPARED AND CONNECTED TO CAREER AVENUES WITHIN AND BEYOND THE CLASSROOM SETTING; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF EDUCATION TO WORK IN CONJUNCTION WITH THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO ENSURE ALIGNMENT OF CAREER AND TECHNICAL EDUCATION COURSES ACROSS THE PUBLIC SCHOOL SYSTEM AND COMMUNITY COLLEGE SYSTEM; TO REQUIRE THE STATE WORKFORCE INVESTMENT BOARD TO CREATE A SINGLE LIST OF NATIONALLY RECOGNIZED INDUSTRY CERTIFICATIONS FOR USE IN THE MISSISSIPPI ACCREDITATION SYSTEM, IN DIPLOMA ENDORSEMENT REQUIREMENTS AND FOR CERTAIN REIMBURSEMENTS; TO AMEND SECTION 37-153-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "QUALIFYING INDUSTRY CERTIFICATION"; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT TO WORK IN PARTNERSHIP WITH THE MISSISSIPPI DEPARTMENT OF EDUCATION AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO COMPLETE A PROGRAM INVENTORY AND RETURN ON INVESTMENT ANALYSIS OF WORKFORCE DEVELOPMENT PROGRAMS IN THE STATE; TO REQUIRE THE OFFICE OF WORKFORCE DEVELOPMENT TO DEVELOP CROSS-SECTOR PARTNERSHIPS AMONG K-12 EDUCATION, EMPLOYERS AND INDUSTRY AND POSTSECONDARY EDUCATION TO COMPLETE CERTAIN OBJECTIVES; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ACCREDITATION SYSTEM SHALL INCLUDE STUDENT PERFORMANCE ON THE ADMINISTRATION OF A CAREER-READINESS ASSESSMENT, SUCH AS, BUT NOT LIMITED TO, THE ACT WORKKEYS ASSESSMENT, DEEMED APPROPRIATE BY THE MISSISSIPPI DEPARTMENT OF EDUCATION WORKING IN COORDINATION WITH THE OFFICE OF WORKFORCE DEVELOPMENT; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT WITHIN THE DEPARTMENT OF EDUCATION SHALL HAVE THE DUTY OF ESTABLISHING CERTAIN STANDARDS, SUBJECT TO THE APPROVAL OF THE STATE BOARD OF EDUCATION, FOR SUPPLEMENTAL ENDORSEMENTS TO THE

LICENSES AND CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS; TO PROVIDE THAT LOCAL BUSINESS OR OTHER PROFESSIONAL PERSONNEL SHALL NOT BE REQUIRED TO HOLD AN ASSOCIATE OR BACHELOR'S DEGREE IN ORDER TO BE GRANTED AN EXPERT CITIZEN-TEACHER LICENSE; TO EXPAND THE EXPERT CITIZEN-TEACHER LICENSE FROM ONE YEAR TO FIVE YEARS; TO REQUIRE THE DEPARTMENT OF EDUCATION TO GRANT AND RENEW ALL LICENSES AND CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS WITHIN 21 DAYS FROM THE DATE OF A COMPLETED APPLICATION IF THE APPLICANT HAS OTHERWISE MET ALL ESTABLISHED REQUIREMENTS FOR THE LICENSE OR CERTIFICATION; TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE UNIFORM STATEWIDE TESTING PROGRAM SHALL PROVIDE FOR THE ADMINISTRATION OF A CAREER-READINESS ASSESSMENT, SUCH AS, BUT NOT LIMITED TO, THE ACT WORKKEYS ASSESSMENT, DEEMED APPROPRIATE BY THE MISSISSIPPI DEPARTMENT OF EDUCATION WORKING IN COORDINATION WITH THE OFFICE OF WORKFORCE DEVELOPMENT, TO ANY STUDENTS ELECTING TO TAKE THE ASSESSMENT; TO PROVIDE THAT EACH INDIVIDUAL SCHOOL DISTRICT SHALL DETERMINE WHETHER THE ASSESSMENT IS ADMINISTERED IN THE NINTH, TENTH, ELEVENTH OR TWELFTH GRADE; TO AMEND SECTION 37-16-17, MISSISSIPPI CODE OF 1972, TO REVISE THE TERMINOLOGY USED FOR CAREER EDUCATION FROM "TRACK" TO "CAREER TECHNICAL EDUCATION PATHWAYS"; TO PROVIDE THE CURRICULUM THAT MAY BE INCLUDED IN CAREER TECHNICAL EDUCATION PATHWAYS; TO PROVIDE THAT THE CAREER TECHNICAL EDUCATION PATHWAYS COURSES MAY BE TAILORED TO THE INDIVIDUAL NEEDS OF EACH SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The provisions of this act shall be known and may be cited as the "Comprehensive Career and Technical Education Reform Act."

SECTION 2. (1) Subject to appropriation by the Legislature, the Office of Workforce Development shall pilot a career coaching program to support middle schools and high schools as students are exposed, prepared and connected to career avenues within and beyond the classroom setting. Through strong partnerships with economic and business leaders, paired with viable relationships with school districts, the career coaches shall target the alignment of students' strengths with intentional academic and

work-based learning in pursuit of meaningful professional employment.

(2) Subject to appropriation by the Legislature, the Office of Workforce Development, working through the Department of Employment Security as fiscal agent, shall establish rules and regulations to operate the career coaching program, which may include granting funds to eligible recipients such as state agencies, regional workforce entities and other nonprofits, to hire coaches. The Office of Workforce Development shall establish criteria for coaches and shall work with partner organizations to identify candidates and measure outcomes.

SECTION 3. The Mississippi Department of Education shall work in conjunction with the Mississippi Community College Board to ensure alignment of career technical education courses across the public school system and community college system. If a community college chooses not to participate in the dual credit program or does not have certain courses available for participating students, eligible high school students may enroll in dual credit courses and attend such courses at the campus of another participating community college within the state.

SECTION 4. The State Workforce Investment Board, by and through the Office of Workforce Development, shall create, in consultation with the Mississippi Department of Education, the Mississippi Community College Board, the Mississippi State University Research and Curriculum Unit and other appropriate

business and industry stakeholders, a single list of nationally recognized industry certifications for use in the Mississippi statewide accountability system, in diploma endorsement requirements and for reimbursement under Section 37-153-15.

SECTION 5. Section 37-153-15, Mississippi Code of 1972, is amended as follows:

37-153-15. (1) As used in this chapter:

(a) The words "industry certification" mean a * * * process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one (1) of the following:

(i) Within an industry that addresses a critical local, regional or statewide economic need;

(ii) Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

(iii) Linked to an occupation that is identified as emerging.

(b) The words "qualifying industry certification" mean an industry certification that is linked to an occupation with wages of at least seventy percent (70%) of the * * * <u>median state income</u> unless the industry certification is stackable to another

postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

(2) The State Workforce Investment Board shall provide the State Board of Education annually with a list of qualifying industry certifications. If the occupations identified in the list are not substantially the same as those occupations identified in the prior year, the State Board of Education shall provide reasonable notice of the changes to school districts.

(3) Beginning in fiscal year 2019-2020 and subject to available funding, the Department of Education shall pay a career and technical education incentive grant to the public school for each student enrolled in the public school who earns a qualifying industry certification. The amount per student for the career and technical education incentive grant shall be Six Hundred Dollars ($600.00). If the statewide sum of the career and technical education incentive grants awarded pursuant to this section exceeds the amount of available funds appropriated for the grants, the grants per student shall be reduced proportionately to cover all eligible grants under this section. Any costs accrued during one (1) fiscal year may be claimed and reimbursed in the following fiscal year.

(4) The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to

qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this section may not be used to supplant funds provided for the basic operation of the career and technical education programs.

(5) On or before * * * October 1 of each year, the Department of Education, working in collaboration with the Office of Workforce Development and any other entities as necessary, shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Education Committees, the Chairman of the House Workforce Development Committee and the Chairman of the Senate * * * Economic and Workforce Development Committee on the following:

(a) The number of students who enrolled in a career and technical education course or program that leads to a qualifying industry certification.

(b) The number of students who earned a qualifying industry certification by certification.

(c) The amount of career and technical education incentive grants awarded by the school.

(d) The amount of career and technical education incentive grants awarded per student.

(e) Aggregated demographic data on the students who earned a qualifying industry certification, including the

qualifying industry certifications earned by rural and urban students.

SECTION 6. (1) The Office of Workforce Development shall work in partnership with the Mississippi Department of Education and the Mississippi Community College Board to complete a program inventory and return on investment analysis of workforce programs and career technical education programs in both the K-12 and community college system, with the expectation that results will be used in conjunction with labor market analysis information and other relevant data to adjust program offerings to best meet the future needs of Mississippi business and industry and to provide high-demand, high-skill and high-wage pathways.

(2) The Office of Workforce Development, in collaboration with the Mississippi Community College Board, the Mississippi Department of Education and the Mississippi State University Research and Curriculum Unit, shall develop cross-sector partnerships among K-12 education, employers and industry, and postsecondary education to meet at least quarterly or more often as the industry needs require to complete the following objectives:

(a) The state's K-12 and community college career technical education programs emphasize high-demand, high-skill and high-wage pathways, as determined by state and regional labor market data, and aligned with the current and projected state economic priorities.

(b) Employers and industry are consulted and help lead the development of K-12 and community college career technical education program standards, curricula, instructional strategies and industry-valued credentials.

(c) K-12 and community college career technical education programs feature experiential learning opportunities such as internships, externships, apprenticeships or other work-based learning opportunities.

(d) K-12 career technical education programs are linked to postsecondary courses and credential programs and provide a seamless transition to a postsecondary credential.

(e) The state shall annually publish and promote a list of K-12 and community college industry-recognized certifications relevant to specific career technical education pathways and linked to high-demand, high-skill and high-wage pathways.

(f) K-12 and community college career technical education programs shall be annually reviewed to ensure that offerings do not lead to dead-end pathways and to develop new offerings to meet industry needs and strengthen existing offerings.

(g) K-12 and community college career technical education programs shall be reviewed annually to ensure student participation and success rates, including career technical education concentrators and students earning industry-recognized credentials. This review shall also include an examination of

student participation and success by demographics to ensure equitable access and completion by all students.

(h) Best practices in cross-sector partnerships are developed and shared across the state.

SECTION 7. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all noncharter public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air-conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

Number of Students Per School Library	Number of Certified School Librarians
0 - 499 Students	1/2 Full-time Equivalent Certified Librarian
500 or More Students	1 Full-time Certified

Librarian

(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of certified school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in the district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities that are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual noncharter public schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;

(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the

State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the

school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

(h) Development of a comprehensive student assessment system to implement these requirements; and

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education.

(5) (a) Effective with the 2013-2014 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single "A" through "F" school and school district accountability system

complying with applicable federal and state requirements in order to reach the following educational goals:

(i) To mobilize resources and supplies to ensure that all students exit third grade reading on grade level by 2015;

(ii) To reduce the student dropout rate to thirteen percent (13%) by 2015; and

(iii) To have sixty percent (60%) of students scoring proficient and advanced on the assessments of the Common Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

(c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments;

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

(iii) Four-year graduation rate: the percent of students graduating with a standard high school diploma in four (4) years, as defined by federal regulations;

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent (5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D" schools, the lowest ten percent (10%) of school grade point designees will be identified as Focus schools;

(v) The State Department of Education shall discontinue the use of Star School, High-Performing, Successful, Academic Watch, Low-Performing, At-Risk of Failing and Failing school accountability designations;

(vi) The system shall include the federally compliant four-year graduation rate in school and school district accountability system calculations. Graduation rate will apply to high school and school district accountability ratings as a compensatory component. The system shall discontinue the use of the High School Completer Index (HSCI);

(vii) The school and school district accountability system shall incorporate a standards-based growth model, in order to support improvement of individual student learning;

(viii) The State Department of Education shall discontinue the use of the Quality Distribution Index (QDI);

(ix) The State Department of Education shall determine feeder patterns of schools that do not earn a school grade because the grades and subjects taught at the school do not have statewide standardized assessments needed to calculate a school grade. Upon determination of the feeder pattern, the department shall notify schools and school districts prior to the release of the school grades beginning in 2013. Feeder schools will be assigned the accountability designation of the school to which they provide students;

(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met * * *;

(xi) The system shall include student performance on the administration of a career-readiness assessment, such as, but not limited to, the ACT WorkKeys Assessment, deemed appropriate by the Mississippi Department of Education working in coordination with the Office of Workforce Development.

(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(7) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(9) [Deleted]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.

(11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve: (i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic, finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this

section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(12) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. After its consideration of the results of the hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that emergency situation is believed

to be related to a serious violation or violations of accreditation standards or state or federal law, or when a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years, or if more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one (1) year, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, the declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even

though the state of emergency may not as yet be terminated for the district as a whole;

(ii) Override any decision of the local school board or superintendent of education, or both, concerning the management and operation of the school district, or initiate and make decisions concerning the management and operation of the school district;

(iii) Assign an interim superintendent, or in its discretion, contract with a private entity with experience in the academic, finance and other operational functions of schools and school districts, who will have those powers and duties prescribed in subsection (15) of this section;

(iv) Grant transfers to students who attend this school district so that they may attend other accredited schools or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest

of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.

(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district

accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either:

(i) Place the school district into district transformation, in which the school district shall remain until it has fulfilled all conditions related to district transformation. If the district was assigned an accreditation rating of "D" or "F" when placed into district transformation, the district shall be eligible to return to local control when the school district has attained a "C" rating or higher for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period;

(ii) Abolish the school district and administratively consolidate the school district with one or more existing school districts;

(iii) Reduce the size of the district and administratively consolidate parts of the district, as determined by the State Board of Education. However, no school district which is not in district transformation shall be required to accept additional territory over the objection of the district; or

(iv) Require the school district to develop and implement a district improvement plan with prescriptive guidance and support from the State Department of Education, with the goal of helping the district improve student achievement. Failure of the school board, superintendent and school district staff to implement the plan with fidelity and participate in the activities provided as support by the department shall result in the school district retaining its eligibility for district transformation.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval by the State Board of Education. The Mississippi Recovery School District shall provide leadership and oversight of all school districts that are subject to district transformation status, as defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972, and shall have all the authority granted under these two (2)

chapters. The Mississippi Department of Education, with the approval of the State Board of Education, shall develop policies for the operation and management of the Mississippi Recovery School District. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall be authorized to oversee the administration of the Mississippi Recovery School District, oversee the interim superintendent assigned by the State Board of Education to a local school district, hear appeals that would normally be filed by students, parents or employees and heard by a local school board, which hearings on appeal shall be conducted in a prompt and timely manner in the school district from which the appeal originated in order to ensure the ability of appellants, other parties and witnesses to appeal without undue burden of travel costs or loss of time from work, and perform other related duties as assigned by the State Superintendent of Public Education. The deputy state superintendent is responsible for the Mississippi Recovery School District and shall determine, based on rigorous professional qualifications set by the State Board of Education, the appropriate individuals to be engaged to be interim superintendents and financial advisors, if applicable, of all school districts subject to district transformation status. After State Board of Education approval, these individuals shall be deemed independent contractors.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any district transformation status and corrective actions recommended and being taken. Public notices issued under this section shall be subject

to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

(14) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or interim superintendent the authority to levy taxes except in accordance with presently existing statutory provisions.

(15) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (12) of this section, the State Board of Education, in its discretion, may assign an interim superintendent to the school district, or in its discretion, may contract with an appropriate private entity with experience in the academic, finance and other operational functions of schools and school districts, who will be responsible for the administration, management and operation of

the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim superintendent shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the interim superintendent, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the interim superintendent concerning the administration, management and operation of the school district.

The cost of the salary of the interim superintendent and any other actual and necessary costs related to district transformation status paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of

emergency no longer exists in a school district, the powers and responsibilities of the interim superintendent assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or in district transformation status that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars ($3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars ($3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to

the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite timeline deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under

this subsection shall be applied toward the repayment of any loan made to a school district hereunder.

(16) If a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim superintendent, who shall be responsible for the administration, management and operation of the school district until the time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (12), whichever occurs first. In that case, the State Board of Education, acting through the interim superintendent, shall have all powers which were held by the previously existing school board, and may take any action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(17) (a) If the Governor declares a state of emergency in a school district, the State Board of Education may take all such action pertaining to that school district as is authorized under subsection (12) or (15) of this section, including the appointment of an interim superintendent. The State Board of Education shall also have the authority to issue a written request with documentation to the Governor asking that the office of the superintendent of the school district be subject to recall. If the Governor declares that the office of the superintendent of the school district is subject to recall, the local school board or

the county election commission, as the case may be, shall take the following action:

(i) If the office of superintendent is an elected office, in those years in which there is no general election, the name shall be submitted by the State Board of Education to the county election commission, and the county election commission shall submit the question at a special election to the voters eligible to vote for the office of superintendent within the county, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Shall County Superintendent of Education _____ (here the name of the superintendent shall be inserted) of the _____ (here the title of the school district shall be inserted) be retained in office? Yes _____ No _____"

If a majority of those voting on the question votes against retaining the superintendent in office, a vacancy shall exist which shall be filled in the manner provided by law; otherwise, the superintendent shall remain in office for the term of that office, and at the expiration of the term shall be eligible for qualification and election to another term or terms.

(ii) If the office of superintendent is an appointive office, the name of the superintendent shall be submitted by the president of the local school board at the next regular meeting of the school board for retention in office or

dismissal from office. If a majority of the school board voting on the question vote against retaining the superintendent in office, a vacancy shall exist which shall be filled as provided by law, otherwise the superintendent shall remain in office for the duration of his employment contract.

(b) The State Board of Education may issue a written request with documentation to the Governor asking that the membership of the school board of the school district shall be subject to recall. Whenever the Governor declares that the membership of the school board is subject to recall, the county election commission or the local governing authorities, as the case may be, shall take the following action:

(i) If the members of the local school board are elected to office, in those years in which the specific member's office is not up for election, the name of the school board member shall be submitted by the State Board of Education to the county election commission, and the county election commission at a special election shall submit the question to the voters eligible to vote for the particular member's office within the county or school district, as the case may be, and the special election shall be held within sixty (60) days from notification by the State Board of Education. The ballot shall read substantially as follows:

"Members of the _____ (here the title of the school district shall be inserted) School Board who are not up for

election this year are subject to recall because of the school district's failure to meet critical accountability standards as defined in the letter of notification to the Governor from the State Board of Education. Shall the member of the school board representing this area, _____ (here the name of the school board member holding the office shall be inserted), be retained in office? Yes _____ No _____"

If a majority of those voting on the question vote against retaining the member of the school board in office, a vacancy in that board member's office shall exist, which shall be filled in the manner provided by law; otherwise, the school board member shall remain in office for the term of that office, and at the expiration of the term of office, the member shall be eligible for qualification and election to another term or terms of office. However, if a majority of the school board members are recalled in the special election, the Governor shall authorize the board of supervisors of the county in which the school district is situated to appoint members to fill the offices of the members recalled. The board of supervisors shall make those appointments in the manner provided by law for filling vacancies on the school board, and the appointed members shall serve until the office is filled at the next regular special election or general election.

(ii) If the local school board is an appointed school board, the name of all school board members shall be submitted as a collective board by the president of the municipal

or county governing authority, as the case may be, at the next regular meeting of the governing authority for retention in office or dismissal from office. If a majority of the governing authority voting on the question vote against retaining the board in office, a vacancy shall exist in each school board member's office, which shall be filled as provided by law; otherwise, the members of the appointed school board shall remain in office for the duration of their term of appointment, and those members may be reappointed.

(iii) If the local school board is comprised of both elected and appointed members, the elected members shall be subject to recall in the manner provided in subparagraph (i) of this paragraph (b), and the appointed members shall be subject to recall in the manner provided in subparagraph (ii).

(18) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(19) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program

shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Public Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

(20) Before January 1, 2008, the State Board of Education shall evaluate and submit a recommendation to the Education Committees of the House of Representatives and the Senate on inclusion of graduation rate and dropout rate in the school level accountability system.

(21) If a local school district is determined as failing and placed into district transformation status for reasons authorized by the provisions of this section, the interim superintendent appointed to the district shall, within forty-five (45) days after being appointed, present a detailed and structured corrective action plan to move the local school district out of district transformation status to the deputy superintendent. A copy of the interim superintendent's corrective action plan shall also be filed with the State Board of Education.

SECTION 8. Section 37-3-2, Mississippi Code of 1972, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by

the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of subsections (11), (12), (13), (14) and (15) of this section, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; * * *

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education * * *; and

(m) Establish standards, subject to the approval of the State Board of Education, for supplemental endorsements, provided that the standards allow teachers as many options as possible to receive a supplemental endorsement, including, but not limited to, the option of taking additional coursework or earning at least the minimum qualifying score or higher on the required licensure subject assessment relevant to the endorsement area for which the licensure is sought. The subject assessment option shall not apply to certain subject areas, including, but not limited to, Early/Primary Education PreK-3, Elementary Education, or Special

Education, except by special approval by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the

National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(b) (i) **Standard License - Nontraditional Teaching Route.** From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

* * *1. An ACT Score of twenty-one (21) (or SAT equivalent); or

* * *2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

* * *3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(ii) Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

* * *1. The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and

pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

* * *2. The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

* * *3. Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a

teacher while the person completes a nontraditional teacher preparation internship program.

* * *4. During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

* * *5. An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

* * *6. Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the

commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

* * *7. At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

* * *8. The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

(iii) Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher

licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

(iv) A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a * * * five-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person shall be required to have a high school diploma, an industry-recognized certification related to the subject area in which they are teaching and a minimum of five (5) years of relevant experience but shall not be required to hold an associate or bachelor's degree, provided that he or she possesses the minimum qualifications required for his or her profession, and may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. If a school board hires a career technical education pathway instructor who

does not have an industry certification in his or her area of expertise but does have the required experience, the school board shall spread their decision on the minutes at their next meeting and provide a detailed explanation for why they hired the instructor. Such instructor shall present the minutes of the school board to the State Department of Education when he or she applies for an expert citizen license. The board shall adopt rules and regulations to administer the expert citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall

any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service

by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers**. Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License**. The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** The department shall grant a standard five-year license to any individual who possesses a valid standard license from another state, or another country or political subdivision thereof, within a period of twenty-one (21) days from the date of a completed application. The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a

higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree. For all license types with a current valid expiration date of June 30, 2021, the State Department of Education shall grant a one-year extension to June 30, 2022. Beginning July 1, 2022, and thereafter, applicants for licensure renewal shall meet all requirements in effect on the date that the complete application is received by the State Department of Education.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the

record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by substantial evidence, was not arbitrary or capricious, within the authority of the commission, and did not violate some statutory or constitutional right. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the commission, its subcommittee or hearing officer. The decision of the State Board of Education shall be final.

(11) (a) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(i) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(ii) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(iii) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines,

hallucinogens or other drugs having similar effect, at the time of application for a license;

(iv) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(v) Failing or refusing to furnish reasonable evidence of identification;

(vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or administrator license, or immediately revoke the current teacher or administrator license, for one or more of the following:

(i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (i) of this paragraph (b), a "guilty plea"

includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(ii) The applicant or licensee is on probation or post-release supervision for a sex offense conviction, as defined by federal or state law;

(iii) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(iv) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(12) The State Board of Education, acting through the commission, may revoke, suspend or refuse to renew any teacher or administrator license for specified periods of time or may place on probation, reprimand a licensee, or take other disciplinary action with regard to any license issued under this chapter for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or

revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(g) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(h) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(i) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the

commission and approved by the State Board of Education pursuant to subsection (15) of this section.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as prescribed by the commission, its subcommittee or hearing officer. Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) (a) A person whose license has been suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension or surrender, or after one-half (1/2) of the suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all

costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars ($200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the

payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(20) The Department of Education shall grant and renew all licenses and certifications of teachers and administrators within twenty-one (21) days from the date of a completed application if the applicant has otherwise met all established requirements for the license or certification.

SECTION 9. Section 37-16-3, Mississippi Code of 1972, is amended as follows:

37-16-3. (1) The State Department of Education is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools. The statewide program shall be timed, as far as

possible, so as not to conflict with ongoing district assessment programs. As part of the program, the department shall:

(a) Establish, with the approval of the State Board of Education, minimum performance standards related to the goals for education contained in the state's plan including, but not limited to, basic skills in reading, writing and mathematics. The minimum performance standards shall be approved by April 1 in each year they are established.

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter schools, which shall include the administration of a career-readiness assessment, such as, but not limited to, the ACT WorkKeys Assessment, deemed appropriate by the Mississippi Department of Education working in coordination with the Office of Workforce Development, to any students electing to take the assessment. Each individual school district shall determine whether the assessment is administered in the tenth, eleventh or twelfth grade. The program may test skill areas, basic skills and high school course content.

(c) Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent or the governing board of the charter school, as the case may be, the school principal and the school advisory committee or other existing parent group of the

situation within thirty (30) days of its determination. The department shall further provide technical assistance to a school district in the identification of the causes of this deficiency and shall recommend courses of action for its correction.

(d) Provide technical assistance to the school districts, when requested, in the development of student performance standards in addition to the established minimum statewide standards.

(e) Issue security procedure regulations providing for the security and integrity of the tests that are administered under the basic skills assessment program.

(f) In case of an allegation of a testing irregularity that prompts a need for an investigation by the Department of Education, the department may, in its discretion, take complete control of the statewide test administration in a school district or any part thereof, including, but not limited to, obtaining control of the test booklets and answer documents. In the case of any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district from funds other than federal funds, Mississippi Adequate Education Program funds, or any other state funds within six (6)

months from the date of notice by the department to the school district to make reimbursement to the department.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills assessment test for his or her grade in a valid test administration.

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the

principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.

SECTION 10. Section 37-16-17, Mississippi Code of 1972, is amended as follows:

37-16-17. (1) Purpose. (a) The purpose of this section is to create a quality option in Mississippi's high schools for students not wishing to pursue a baccalaureate degree, which shall consist of challenging academic courses and modern career-technical studies. The goal for students pursuing the career * * * technical education pathways is to graduate from high school with a standard diploma and credit toward a community college certification in a career-technical field. These students also shall be encouraged to take the national assessment in the career-technical field in which they become certified.

(b) The State Board of Education shall develop and adopt course and curriculum requirements for career * * * technical education pathways offered by local public school boards in accordance with this section. The Mississippi Community

College Board and the State Board of Education jointly shall determine course and curriculum requirements for the career * * * technical education pathways. The State Board of Education shall require school districts to provide notice to all incoming middle school students and junior high students of the career technical education pathways offered by local school boards. Such notice shall include the career technical education pathways available, the course requirements of each pathway, how to enroll in the pathway and any other necessary information as determined by the State Board of Education.

(2) * * * Career technical education pathway; description; curriculum. (a) A career * * * technical education pathway shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student enrolled in a public school district. The career * * * technical education pathway shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field. The career * * * technical education pathway shall * * * provide * * * students with alternatives to entrance into a four-year university or college after high school graduation.

(b) Students pursuing a career * * * technical education pathway shall be afforded the opportunity to dually

enroll in a community or technical college or to participate in a business internship or work-study program, when such opportunities are available and appropriate.

(c) Each public school district shall offer a career * * * technical education pathway approved by the State Board of Education.

(d) Students in a career * * * technical education pathway shall complete an academic core of courses and a career and technical sequence of courses.

(e) Students pursuing a career technical education pathway must complete the * * * twenty-four (24) course unit requirements for * * * a regular high school diploma, which may include, but not be limited to the following course content:

(i) * * * English I;

(ii) * * * English II;

(iii) * * * Technical writing;

(iv) * * * Computer programming;

(v) * * * Algebra I;

(vi) * * * Personal Finance;

(vii) * * * Advanced technical mathematics;

(viii) * * * Computer Science;

(ix) * * * Biology;

(x) Earth and Space Science;

(xi) U.S. History;

(xii) Mississippi Studies/U.S. Government;

(xiii) Health;

(xiv) Physical Education;

(xv) Soft skills, which include, but are not limited to, communication ability, language skills, time management, teamwork and leadership traits;

(xvi) Career technical education pathway courses; and

(xvii) Integrated technology.

Academic courses within the career * * * technical education pathway of the standard diploma shall provide the knowledge and skill necessary for proficiency on the state subject area tests.

(f) The courses provided in paragraph (e) of this subsection may be tailored to the individual needs of the school district as long as the amendments align with the basic course requirements of paragraph (e).

(3) Nothing in this section shall disallow the development of a dual enrollment program with a technical college so long as an individual school district, with approval from the State Department of Education, agrees to implement such a program in connection with a technical college and the agreement is also approved by the proprietary school's commission.

* * *

SECTION 11. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1416

Description: Students in public schools; allow to participate in political activities with certain restrictions.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Education
2	01/31	(H) Title Suff Do Pass
3	02/08	(H) Read the Third Time
4	02/09	(H) Passed {Vote}
5	02/10	(H) Transmitted To Senate
6	02/11	(S) Referred To Education
7	03/01	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/24	(H) Concurred in Amend From Senate {Vote}
12	03/25	(H) Enrolled Bill Signed
13	03/26	(S) Enrolled Bill Signed
14	04/01	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1416

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: McCarty
Additional Authors: Owen, Stamps

Title: AN ACT TO ALLOW STUDENTS IN PUBLIC SCHOOLS TO ENGAGE IN POLITICAL ACTIVITIES OR PHILOSOPHICAL EXPRESSION BEFORE, DURING AND AFTER THE SCHOOL DAY IN THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE IN NONPOLITICAL ACTIVITIES

OR EXPRESSIONS; TO ALLOW STUDENTS TO ORGANIZE PARTISAN OR NONPARTISAN POLITICAL GROUPS, POLITICAL CLUBS, POLITICAL RALLIES, OR OTHER POLITICALLY THEMED GATHERINGS BEFORE, DURING AND AFTER SCHOOL TO THE SAME EXTENT THAT STUDENTS ARE PERMITTED TO ORGANIZE OTHER NONCURRICULAR STUDENT ACTIVITIES AND GROUPS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE SCHOOL, ITS AGENTS OR EMPLOYEES, TO MAINTAIN ORDER AND DISCIPLINE ON SCHOOL PREMISES, TO PROTECT THE WELL-BEING OF STUDENTS AND FACULTY, AND TO ASSURE THAT ATTENDANCE OF STUDENTS AT MEETINGS IS VOLUNTARY; TO PROVIDE FOR THE SEVERABILITY OF THE ACT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1416

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives McCarty, Owen, Stamps To: Education

HOUSE BILL NO. 1416
(As Sent to Governor)

AN ACT TO ALLOW STUDENTS IN PUBLIC SCHOOLS TO ENGAGE IN POLITICAL ACTIVITIES OR PHILOSOPHICAL EXPRESSION BEFORE, DURING AND AFTER THE SCHOOL DAY IN THE SAME MANNER AND TO THE SAME EXTENT THAT STUDENTS MAY ENGAGE IN NONPOLITICAL ACTIVITIES OR EXPRESSIONS; TO ALLOW STUDENTS TO ORGANIZE PARTISAN OR NONPARTISAN POLITICAL GROUPS, POLITICAL CLUBS, POLITICAL RALLIES, OR OTHER POLITICALLY THEMED GATHERINGS BEFORE, DURING AND AFTER SCHOOL TO THE SAME EXTENT THAT STUDENTS ARE PERMITTED TO ORGANIZE OTHER NONCURRICULAR STUDENT ACTIVITIES AND GROUPS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE SCHOOL, ITS AGENTS OR EMPLOYEES, TO MAINTAIN ORDER AND DISCIPLINE ON SCHOOL PREMISES, TO PROTECT THE WELL-BEING OF STUDENTS AND FACULTY, AND TO ASSURE THAT ATTENDANCE OF STUDENTS AT MEETINGS IS VOLUNTARY; TO PROVIDE FOR THE SEVERABILITY OF THE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Students in public schools may engage in political activities or political or philosophical expression before, during and after the school day in the same manner and to the same extent that students may engage in nonpolitical activities or expression. Students may organize partisan or nonpartisan political groups, political clubs, political rallies, or other politically themed gatherings before, during and after school to the same extent that students are permitted to organize

other noncurricular student activities and groups. Partisan and nonpartisan political groups must be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the political content of the students' expression.

SECTION 2. (1) It shall be unlawful for any public school which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the political, philosophical, ideological or other content of the speech at such meetings.

(2) Nothing in this act shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

SECTION 3. If any provision of this act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the act and the application to other persons or circumstances shall not be affected thereby.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1430

Description: Motor vehicle title; authorize beneficiary designation.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H)	Referred To Ways and Means
2	01/26	(H)	Title Suff Do Pass
3	02/02	(H)	Passed {Vote}
4	02/03	(H)	Transmitted To Senate
5	02/17	(S)	Referred To Finance
6	02/24	(S)	Title Suff Do Pass As Amended
7	03/08	(S)	Amended
8	03/08	(S)	Passed As Amended {Vote}
9	03/09	(S)	Returned For Concurrence
10	03/17	(H)	Decline to Concur/Invite Conf
11	03/22	(H)	Conferees Named Lamar,Steverson,Massengill
12	03/24	(S)	Conferees Named Harkins,Johnson,Horhn
13	03/28	(S)	Conference Report Filed
14	03/28	(H)	Conference Report Filed
15	03/29	(H)	Conference Report Adopted {Vote}
16	03/29	(S)	Conference Report Adopted {Vote}
17	03/31	(H)	Enrolled Bill Signed
18	03/31	(S)	Enrolled Bill Signed
19	04/14		Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1430

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Sanford

Title: AN ACT TO AUTHORIZE A BENEFICIARY DESIGNATION THAT TRANSFERS A MOTOR VEHICLE AT THE OWNER'S DEATH; TO PROVIDE DEFINITIONS; TO PROVIDE FOR REQUIREMENT OF THE BENEFICIARY DESIGNATION; TO PROVIDE THE PROCEDURE FOR JOINT OWNERS; TO MAKE CERTAIN REQUIREMENTS OF THE DEPARTMENT OF REVENUE AND AUTHORIZE RULEMAKING AUTHORITY TO THE DEPARTMENT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1430

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Sanford To: Ways and Means

HOUSE BILL NO. 1430
(As Sent to Governor)

AN ACT TO AUTHORIZE A BENEFICIARY DESIGNATION THAT TRANSFERS A MOTOR VEHICLE AT THE OWNER'S DEATH; TO PROVIDE DEFINITIONS; TO PROVIDE FOR REQUIREMENT OF THE BENEFICIARY DESIGNATION; TO PROVIDE THE PROCEDURE FOR JOINT OWNERS; TO MAKE CERTAIN REQUIREMENTS OF THE DEPARTMENT OF REVENUE AND AUTHORIZE RULEMAKING AUTHORITY TO THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Beneficiary designation" means the designation by an owner of a motor vehicle of a beneficiary of the vehicle as provided by Section 6 of this act.

(b) "Designated beneficiary" means a person designated as a beneficiary of an owner's interest in a motor vehicle under Section 6 of this act.

(c) "Joint owner with right of survivorship" or "joint owner" means a person who owns a motor vehicle concurrently with one or more other persons with a right of survivorship.

(d) "Motor vehicle" shall have the same meaning as the term as defined in Section 63-21-5(l).

SECTION 2. (1) An owner of a motor vehicle may transfer the owner's interest in the motor vehicle to a sole beneficiary effective on the owner's death by designating a beneficiary as provided by Section 6 of this act.

(2) A beneficiary designation is:

(a) Subject to Section 3 of this act, revocable and may be changed at any time without the consent of the designated beneficiary as provided by Section 6 of this act;

(b) A nontestamentary instrument; and

(c) Effective without:

(A) Notice or delivery to or acceptance by the designated beneficiary during the owner's life; or

(B) Consideration.

(3) A will may not revoke or supersede a beneficiary designation, regardless of when the will is made.

(4) A designated beneficiary may disclaim the designated beneficiary's interest in the motor vehicle as provided by applicable law.

SECTION 3. (1) If a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, the beneficiary designation must be made by all of the joint owners.

(2) A beneficiary designation made by joint owners with right of survivorship:

(a) May be revoked or changed as provided by Section 6 of this act, only if it is revoked or changed by all of the joint owners; and

(b) May be revoked or changed by the last surviving joint owner as provided by Section 6 of this act.

SECTION 4. During a motor vehicle owner's life, a beneficiary designation does not:

(a) Affect an interest or right of the owner or owners making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation;

(b) Create a legal or equitable interest in favor of the designated beneficiary in the motor vehicle that is the subject of the designation, even if the beneficiary has actual or constructive notice of the designation;

(c) Affect an interest or right of a secured or unsecured creditor or future creditor of the owner or owners making the designation, even if the creditor has actual or constructive notice of the designation; or

(d) Affect an owner's or the designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law.

SECTION 5. (1) On the death of the owner of a motor vehicle that is the subject of a beneficiary designation, the following rules apply to an interest in the motor vehicle:

(a) If the designated beneficiary survives the owner making the designation by one hundred twenty (120) hours, the interest in the motor vehicle is transferred to the designated beneficiary; and

(b) If the designated beneficiary fails to survive the owner making the designation by one hundred twenty (120) hours, the share of the designated beneficiary lapses and is subject to and passes as if the beneficiary designation were a devise made in a will.

(2) If an owner is a joint owner with right of survivorship who is survived by one or more other joint owners, the motor vehicle that is the subject of the beneficiary designation belongs to the surviving joint owner or owners. If an owner is a joint owner with right of survivorship who is the last surviving joint owner, the beneficiary designation is effective.

(3) A designated beneficiary takes the motor vehicle subject to all encumbrances, assignments, contracts, liens and other interests to which the vehicle is subject at the owner's or last surviving owner's death, as applicable. The transfer to the designated beneficiary does not affect the ability of a lienholder to pursue an existing means of debt collection permitted under the laws of this state.

(4) The transfer to the designated beneficiary upon death is not a taxable event, regardless of the designated beneficiary's relationship to the deceased owner of the motor vehicle.

SECTION 6. (1) The owner of a motor vehicle may designate a sole beneficiary to whom the owner's interest in the vehicle transfers on the owner's death as provided by Sections 1 through 5 of this act, by submitting an application for title with the designation. To be effective, the designation must state that the transfer of an interest in the vehicle to the designated beneficiary is to occur at the transferor's death.

(2) The legal name of a beneficiary designated under this section must be included on the title.

(3) The department shall transfer title of a motor vehicle to a beneficiary designated under this section for the vehicle if the beneficiary submits:

(a) An application for title not later than the 180th day after the date of the owner's death or, if the vehicle is owned by joint owners, the last surviving owner's death, as applicable; and

(b) Satisfactory proof of the death of the owner or owners, as applicable.

(4) A beneficiary designation may be changed or revoked by submitting a new application for title.

(5) A beneficiary designation or a change or revocation of a beneficiary designation made on an application for title of a motor vehicle that has not been submitted to the department before the death of a vehicle's owner or owners who made, changed, or revoked the designation, as applicable, is invalid.

(6) The Department of Revenue may adopt rules to administer this section.

SECTION 7. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1479

Description: Mississippi Department of Corrections Commissioner; revise authority to inflict the death penalty.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/11	(S) Referred To Judiciary, Division B
6	03/01	(S) Title Suff Do Pass As Amended
7	03/08	(S) Amended
8	03/08	(S) Passed As Amended {Vote}
9	03/09	(S) Returned For Concurrence
10	03/14	(H) Decline to Concur/Invite Conf
11	03/16	(H) Conferees Named Bain,Sanford,Miles
12	03/21	(S) Conferees Named Fillingane,England,DeBar
13	03/25	(S) Conference Report Filed
14	03/25	(H) Conference Report Filed
15	03/27	(H) Conference Report Adopted {Vote}
16	03/29	(S) Conference Report Adopted {Vote}
17	03/31	(H) Enrolled Bill Signed
18	03/31	(S) Enrolled Bill Signed
19	04/14	Approved by Governor

Amendments:

[H] Amendment No 1Lost Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1Lost Voice Vote
Amendment Report for House Bill No. 1479

Conference Reports:

| Conference Report

Code Section: A 099-0019-0051, A 099-0019-0053, A 099-0019-0055

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division B

Principal Author: Bain

Title: AN ACT TO AMEND SECTIONS 99-19-51, 99-19-53 AND 99-19-55, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO INFLICT THE DEATH PENALTY; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI HB 1479

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Bain To: Judiciary B

HOUSE BILL NO. 1479
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 99-19-51, 99-19-53 AND 99-19-55, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO INFLICT THE DEATH PENALTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 99-19-51, Mississippi Code of 1972, is amended as follows:

99-19-51. (1) At the discretion of the Commissioner, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections, the manner of inflicting the punishment of death shall be by * * * one of the following: (a) intravenous * * * injection of a substance or substances in a lethal quantity into the body; (b) nitrogen hypoxia; (c) electrocution; or (d) firing squad, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice. * * * Upon receipt of the warrant of execution from the Mississippi Supreme Court, the Commissioner of Corrections shall, within seven (7) days, provide

written notice to the condemned person of the manner of execution. It is the policy of the State of Mississippi that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution.

* * *

(* * *2) The Commissioner of Corrections has the authority and discretion to select and obtain the substances and the means necessary to carry out an execution, and may adopt and promulgate rules and regulations as the Commissioner deems necessary to administer and implement the provisions of this section.

(* * *3) (a) The Commissioner of Corrections shall select an execution team to assist the State Executioner and his deputies. * * * The execution team shall consist of those persons, * * * including all medical personnel, who provide direct support for the administration of lethal chemicals * * * , those individuals involved in assisting in the execution in any capacity * * * and those personnel assigned to specific duties related to an execution.

(b) For the purposes of this section, "supplier of lethal injection chemicals" means a supplier or suppliers of lethal injection chemicals located within the State of Mississippi.

(c) The identities of the State Executioner and his deputies, all members of the execution team, a supplier of lethal injection chemicals, and * * * those witnesses listed in Section

99-19-55(2) who attend as members of the victim's family or designated by the condemned * * * person shall at all times remain confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983.

(* * *4) Notwithstanding any provision of law to the contrary, any portion of any record of any kind that could identify a person as being a current or former State Executioner, his or her deputies, a member of an execution team * * *, a current or former supplier of lethal injection chemicals, or those witnesses listed in Section 99-19-55(2) who attend as members of the victim's family or designated by the condemned * * * person, shall at all times be confidential, exempt, and protected from disclosure, but the remainder of the record shall not be protected unless otherwise provided by law. A court shall preserve the secrecy of all confidential and exempt information described in this section by reasonable means, which may include granting protective orders, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose such information without prior court approval.

(* * *5) Notwithstanding any provision of law to the contrary, if the State Executioner, his or her deputies, a member of the execution team or supplier of lethal injection chemicals is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because

the person participated in a lawful execution. Any person or institution assisting with or participating in carrying out an execution in accordance with this statute shall be presumed to be acting in good faith. Any person or institution acting in good faith in connection with carrying out an execution shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. The State Executioner and his deputies, and all members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.

SECTION 2. Section 99-19-53, Mississippi Code of 1972, is amended as follows:

99-19-53. (1) The Governor shall appoint the State Executioner who shall serve at the pleasure of the Governor and until his successor shall have been duly appointed to replace him.

(2) The State Executioner, or his duly authorized representative, shall supervise and inflict the punishment of death as the same is hereby provided. All duties and necessary acts pertaining to the execution of a convict shall be performed by the Commissioner of Corrections except where such duties and actions are vested in the State Executioner. The State Executioner shall receive for his services in connection therewith compensation in the sum of Five Hundred Dollars ($500.00) plus all actual and necessary expenses for each such execution, to be paid by the county where the crime was committed. The county of

conviction shall likewise pay the fees of the attending physician or physicians in attendance. The State Executioner may appoint not more than two (2) deputies who shall be paid One Hundred Fifty Dollars ($150.00) per execution and mileage as authorized by law, to be paid by the county where the crime was committed, to assist in the infliction of the punishment of death. The Executioner may appoint such other assistants as may be required; however, such assistants shall not be entitled to compensation or travel expenses. The State Executioner and his deputies may waive compensation, per diem or travel expenses.

(3) Any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by law shall not be construed to be the practice of medicine or nursing. Any pharmacist is authorized to dispense drugs to the State Executioner or the Commissioner of the Mississippi Department of Corrections without a prescription for the purpose of this chapter.

(4) The State Executioner shall be custodian of all equipment and supplies involved in the infliction of the death penalty. All expenses for the maintenance and protection of the property, together with operating expenses, which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.

(5) The State Executioner shall receive the per diem compensation authorized in Section 25-3-69 in addition to actual and necessary expenses, including mileage as authorized by law, for each day, not to exceed three (3) days each month, spent in maintaining the equipment and supplies involved in the infliction of the death penalty or preparing for an execution which does not occur. Such payments shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.

* * *

SECTION 3. Section 99-19-55, Mississippi Code of 1972, is amended as follows:

99-19-55. (1) Whenever any person shall be condemned to suffer death for any crime for which such person shall have been convicted in any court of any county of this state, such punishment shall be inflicted at 6:00 p.m. or as soon as possible thereafter within the next twenty-four (24) hours at an appropriate place designated by the Commissioner of the Mississippi Department of Corrections. * * * All male persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and transported to the maximum security cell block * * *. All female persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and housed in an

appropriate facility designated by the Commissioner of the Mississippi Department of Corrections. Upon final affirmance of the conviction, the punishment shall be imposed in the manner provided by law. The State Executioner or his duly authorized deputy shall supervise and perform such execution.

(2) When a person is sentenced to suffer death in the manner provided by law, it shall be the duty of the clerk of the court to deliver forthwith to the Commissioner of Corrections a warrant for the execution of the condemned person. It shall be the duty of the commissioner forthwith to notify the State Executioner of the date of the execution and it shall be the duty of the said State Executioner, or any person deputized by him in writing, in the event of his physical disability, as hereinafter provided, to be present at such execution, to perform the same, and have general supervision over said execution. In addition to the above designated persons, the Commissioner of Corrections shall secure the presence at such execution of the sheriff, or his deputy, of the county of conviction, at least one (1) but not more than two (2) physicians or the county coroner where the execution takes place, and bona fide members of the press, not to exceed eight (8) in number, and at the request of the condemned, such ministers of the gospel, not exceeding two (2), as said condemned person shall name. The Commissioner of Corrections shall also name to be present at the execution such * * * members of the execution team deemed by him or her to be necessary to insure proper security.

No other persons shall be permitted to witness the execution, except the commissioner may permit the condemned person to designate two (2) * * * witnesses, if they so request and two (2) members of the victim's * * * family as witnesses, if they so request. Provided further, that the Governor may * * * designate two (2) additional persons of good and reputable character to witness an execution. No person shall be allowed to take photographs or other recordings of any type during the execution. The absence of the sheriff, or deputy, after due notice to attend, shall not delay the execution.

(3) * * * The Commissioner of Corrections, or his duly authorized representative, and the physician or physicians or county coroner who witnessed such execution shall prepare and sign officially a certificate setting forth the time and place thereof and that such * * * condemned person was then and there executed in conformity to the sentence of the court and the provisions of Sections 99-19-51 through 99-19-55, * * * which certificate shall be filed with the clerk of the court where the conviction of the criminal was had, and the clerk shall subjoin the certificate to the record of the conviction and sentence.

(4) The body of the person so executed shall be released immediately by the State Executioner, or his duly authorized representative, to the relatives of the dead person, or to such friends as may claim the body. The Commissioner of the Mississippi Department of Corrections shall have sole charge of

burial in the event the body is not claimed as aforesaid, and his discretion in the premises shall be final. The Commissioner may donate the unclaimed body of an executed person to the University of Mississippi Medical Center for scientific purposes. The county of conviction shall bear the reasonable expense of burial in the event the body is not claimed by relatives or friends or donated to the University of Mississippi Medical Center.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1510

Description: Elections; revise procedures regarding voter roll maintenance.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(H)	Referred To Apportionment and Elections
2	02/01	(H)	Title Suff Do Pass
3	02/08	(H)	Read the Third Time
4	02/10	(H)	Amended
5	02/10	(H)	Passed As Amended {Vote}
6	02/10	(H)	Motion to Reconsider Entered (Osborne, Beckett, Eubanks)
7	02/11	(H)	Reconsidered
8	02/11	(H)	Amended
9	02/11	(H)	Passed As Amended {Vote}
10	02/15	(H)	Transmitted To Senate
11	02/16	(S)	Referred To Elections; Accountability, Efficiency, Transparency
12	02/28	(S)	DR - TSDPAA: EL To AC
13	03/01	(S)	Title Suff Do Pass As Amended
14	03/08	(S)	Amended
15	03/08	(S)	Passed As Amended {Vote}
16	03/10	(S)	Returned For Concurrence
17	03/14	(H)	Decline to Concur/Invite Conf
18	03/22	(H)	Conferees Named Beckett,Eubanks,Powell
19	03/22	(S)	Conferees Named Tate,Blount,Blackwell
20	03/28	(S)	Conference Report Filed
21	03/28	(H)	Conference Report Filed
22	03/29	(H)	Conference Report Adopted {Vote}
23	03/30	(S)	Conference Report Adopted {Vote}
24	04/04	(H)	Enrolled Bill Signed
25	04/04	(S)	Enrolled Bill Signed
26	04/14		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
[H] Substitute No 1 for Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1510

Conference Reports:

| Conference Report

Code Section: A 023-0015-0015, A 023-0015-0005

----- Additional Information -----

House Committee: Apportionment and Elections
Senate Committee: Elections, Accountability, Efficiency, Transparency

Principal Author: Powell
Additional Authors: Shanks, Wallace, Horne, Boyd

Title: AN ACT TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO REQUIRE THE REGISTRAR UPON RECEIVING A COMPLETED VOTER REGISTRATION APPLICATION TO ENTER AN APPLICANT INTO THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE THAT THE REGISTRATION APPLICATION SHALL BE COMPARED WITH THE DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE AND IDENTIFICATION INFORMATION; TO REQUIRE THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM TO NOTIFY THE REGISTRAR IF SUCH INFORMATION REFLECTS THAT THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES; TO REQUIRE THE REGISTRAR TO NOTIFY CERTAIN APPLICANTS; TO REQUIRE AN APPLICANT WHO RECEIVES NOTICE UNDER THIS SECTION TO PROVIDE PROOF OF CITIZENSHIP TO THE REGISTRAR; TO PROVIDE THE DOCUMENTATION THAT MAY BE SUBMITTED AS PROOF OF CITIZENSHIP; TO REQUIRE THE REGISTRAR TO MARK THE APPLICANT AS REJECTED WHERE THE APPLICANT FAILS TO RESPOND TO THE NOTICE OR TO PROVIDE PROOF OF CITIZENSHIP WITHIN A CERTAIN PERIOD OF TIME; TO ESTABLISH AN APPEAL PROCEDURE; TO AMEND SECTION 23-15-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MONIES THAT ARE DEPOSITED INTO THE ELECTIONS SUPPORT FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives Powell, Shanks, Wallace, Horne, Boyd

To: Apportionment and Elections

HOUSE BILL NO. 1510
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO REQUIRE THE REGISTRAR UPON RECEIVING A COMPLETED VOTER REGISTRATION APPLICATION TO ENTER AN APPLICANT INTO THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE THAT THE REGISTRATION APPLICATION SHALL BE COMPARED WITH THE DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE AND IDENTIFICATION INFORMATION; TO REQUIRE THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM TO NOTIFY THE REGISTRAR IF SUCH INFORMATION REFLECTS THAT THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES; TO REQUIRE THE REGISTRAR TO NOTIFY CERTAIN APPLICANTS; TO REQUIRE AN APPLICANT WHO RECEIVES NOTICE UNDER THIS SECTION TO PROVIDE PROOF OF CITIZENSHIP TO THE REGISTRAR; TO PROVIDE THE DOCUMENTATION THAT MAY BE SUBMITTED AS PROOF OF CITIZENSHIP; TO REQUIRE THE REGISTRAR TO MARK THE APPLICANT AS REJECTED WHERE THE APPLICANT FAILS TO RESPOND TO THE NOTICE OR TO PROVIDE PROOF OF CITIZENSHIP WITHIN A CERTAIN PERIOD OF TIME; TO ESTABLISH AN APPEAL PROCEDURE; TO AMEND SECTION 23-15-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MONIES THAT ARE DEPOSITED INTO THE ELECTIONS SUPPORT FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-15, Mississippi Code of 1972, is amended as follows:

23-15-15. * * * (1) Upon receiving a completed voter registration application, the registrar shall enter the applicant into the Statewide Elections Management System. Said registration application shall be compared with the Department of Public Safety driver's license and identification information. If such

information indicates that a particular applicant is not a citizen of the United States, the Statewide Elections Management System shall notify the registrar, or his or her designee, that the applicant may not be a citizen of the United States.

(2) After receiving the notice from the Statewide Elections Management System as provided in subsection (1) of this section, the registrar, or his or her designee, shall:

(a) Enter the applicant's information into the United States Citizenship and Immigration Service's Systematic Alien Verification for Entitlements (SAVE) or its successor database for further inquiry; and

(b) If both the Department of Public Safety driver's license and identification information and the database in paragraph (a) of this subsection indicate that the applicant is not a citizen, send a notice by first-class mail to the applicant's mailing address provided on the voter registration application inquiring whether the individual is eligible to be registered to vote. The registrar may, in addition to first-class mail, contact the applicant by email or telephone.

(3) Any applicant who receives the notice under subsection (2)(b) of this section shall, within thirty (30) days of the receipt of such notice, provide proof of citizenship to the registrar or his or her designee.

(4) For purposes of this section, proof of citizenship includes, but is not limited to:

(a) The applicant's birth certificate or a legible photocopy of the birth certificate;

(b) A United States passport, or a legible photocopy of the pertinent pages of the passport, identifying the applicant and showing the passport number;

(c) The applicant's United States naturalization documentation, a legible photocopy of the naturalization documentation, or the number of the applicant's Certificate of Naturalization; except that any person who provides the number of the Certificate of Naturalization in lieu of the naturalization documentation shall not be deemed to have provided proof of citizenship until the number is verified with the United States Citizenship and Immigration Services in the Department of Homeland Security or its successor; or

(d) Any document or method of proof of citizenship established by the Federal Immigration Reform and Control Act of 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

(5) If the applicant provides proof of citizenship and meets all other qualifications provided by law, the registrar shall register the applicant to vote.

(6) If the applicant does not reply to the notice or provide proof of citizenship, the registrar of the county, or his or her designee, where the person registered to vote shall mark the applicant as "PENDING" in the Statewide Elections Management System until the next federal general election:

(a) A voter in pending status may cast an affidavit ballot. The affidavit ballot shall be considered if the voter provides the required documentation under subsection (4) of this section to the registrar within five (5) days of casting the affidavit ballot.

(b) If the applicant fails to respond to the notice or cast an affidavit ballot and provide the proof described in subsection (4) of this section by the next federal general election, the registrar shall mark the applicant as "REJECTED" in the Statewide Election Management System.

SECTION 2. Section 23-15-5, Mississippi Code of 1972, is amended as follows:

23-15-5. (1) There is created in the State Treasury a special fund to be known as the Elections Support Fund. Monies derived from annual report fees imposed upon limited liability companies under Section 79-29-1203 shall be deposited into the Elections Support Fund. Unexpended amounts remaining in the fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be disbursed as provided in subsection (2) of this section. The expenditure of monies in the fund shall be under the direction of the Secretary of State as provided by subsection (2) of this section, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration.

(2) (a) Monies in the fund shall be used as follows:

(i) * * * Seventy percent (70%) of the monies in the special fund shall be distributed annually to the counties, upon appropriation of the Legislature, based on the proportion that the population of a county bears to the total population in all counties of the state population according to the most recent information from the United States Census Bureau, and held in a separate fund solely for the purpose of acquiring, upgrading, maintaining or repairing voting equipment, systems and supplies, hiring temporary technical support, conducting elections using such voting equipment or systems, employing such personnel to conduct an election, and training election officials; and

(ii) The remaining * * * thirty percent (30%) of the monies in the special fund shall be deposited in the State General Fund.

(b) The Secretary of State shall create standard training guidelines to assist counties in training election officials with the funds authorized under subsection (2)(a)(ii) of this section. Any criteria established by the Secretary of State for the purposes of this section shall be used in addition to any other training or coursework prescribed by the Secretary of State to train circuit clerks, poll managers and any other election officials participating in county elections.

(c) Notwithstanding any other provision of law, no monies from the Elections Support Fund shall be used by the

Secretary of State or any person associated with the Office of the Secretary of State to provide or otherwise support expert testimony in any manner for any hearing, trial or election contest.

(3) From and after July 1, 2017, none of the monies deposited in the Elections Support Fund may be used to reimburse or otherwise defray any costs that the Office of the Secretary of State may incur in administering the fund.

(4) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

House Bill 1691

Description: Income tax; revise certain provisions relating pass-through entities.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2022

History of Actions:

1	02/22	(H) Referred To Ways and Means
2	02/22	(H) Title Suff Do Pass Comm Sub
3	02/23	(H) Committee Substitute Adopted
4	02/23	(H) Passed {Vote}
5	02/24	(H) Transmitted To Senate
6	02/25	(S) Referred To Finance
7	03/14	(S) Title Suff Do Pass As Amended
8	03/15	(S) Amended
9	03/15	(S) Passed As Amended {Vote}
10	03/16	(S) Returned For Concurrence
11	03/17	(H) Decline to Concur/Invite Conf
12	03/22	(H) Conferees Named Lamar,Steverson,Massengill
13	03/24	(S) Conferees Named Harkins,Sparks,Fillingane
14	03/26	(H) Conference Report Filed
15	03/26	(S) Conference Report Filed
16	03/27	(S) Conference Report Adopted {Vote}
17	03/28	(H) Conference Report Adopted {Vote}
18	03/30	(H) Enrolled Bill Signed
19	03/30	(S) Enrolled Bill Signed
20	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1691

Conference Reports:
Conference Report

Code Section: A 027-0007-0025, A 027-0008-0007

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Busby

Title: AN ACT TO ALLOW PARTNERSHIPS, S CORPORATIONS OR SIMILAR PASS-THROUGH ENTITIES TO ELECT TO BE TAXED AS AN ELECTING PASS-THROUGH ENTITY FOR STATE INCOME TAX PURPOSES AND PAY INCOME TAX AT THE ENTITY LEVEL; TO PROVIDE THE MANNER BY WHICH A PARTNERSHIP, S CORPORATION OR SIMILAR PASS-THROUGH ENTITY MAY ELECT TO BE TAXED AS AN ELECTING PASS-THROUGH ENTITY; TO PROVIDE THAT EACH OWNER, MEMBER, PARTNER OR SHAREHOLDER OF AN ELECTING PASS-THROUGH ENTITY SHALL REPORT HIS OR HER PRO RATA OR DISTRIBUTIVE SHARE OF THE INCOME OF THE ELECTING PASS-THROUGH ENTITY BUT SHALL NOT BE LIABLE FOR INCOME TAX IMPOSED ON SUCH PRO RATA OR DISTRIBUTIVE SHARE; TO PROVIDE THAT EACH OWNER, MEMBER, PARTNER OR SHAREHOLDER OF AN ELECTING PASS-THROUGH ENTITY SHALL BE ALLOWED A CREDIT AGAINST INCOME TAXES IN AN AMOUNT EQUAL TO HIS OR HER PRO RATA OR DISTRIBUTIVE SHARE OF INCOME TAX PAID BY THE ELECTING PASS-THROUGH ENTITY WITH RESPECT TO THE CORRESPONDING TAXABLE YEAR; TO AMEND SECTIONS 27-7-25 AND 27-8-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representative Busby To: Ways and Means

HOUSE BILL NO. 1691
(As Sent to Governor)

AN ACT TO ALLOW PARTNERSHIPS, S CORPORATIONS OR SIMILAR PASS-THROUGH ENTITIES TO ELECT TO BE TAXED AS AN ELECTING PASS-THROUGH ENTITY FOR STATE INCOME TAX PURPOSES AND PAY INCOME TAX AT THE ENTITY LEVEL; TO PROVIDE THE MANNER BY WHICH A PARTNERSHIP, S CORPORATION OR SIMILAR PASS-THROUGH ENTITY MAY ELECT TO BE TAXED AS AN ELECTING PASS-THROUGH ENTITY; TO PROVIDE THAT EACH OWNER, MEMBER, PARTNER OR SHAREHOLDER OF AN ELECTING PASS-THROUGH ENTITY SHALL REPORT HIS OR HER PRO RATA OR DISTRIBUTIVE SHARE OF THE INCOME OF THE ELECTING PASS-THROUGH ENTITY BUT SHALL NOT BE LIABLE FOR INCOME TAX IMPOSED ON SUCH PRO RATA OR DISTRIBUTIVE SHARE; TO PROVIDE THAT EACH OWNER, MEMBER, PARTNER OR SHAREHOLDER OF AN ELECTING PASS-THROUGH ENTITY SHALL BE ALLOWED A CREDIT AGAINST INCOME TAXES IN AN AMOUNT EQUAL TO HIS OR HER PRO RATA OR DISTRIBUTIVE SHARE OF INCOME TAX PAID BY THE ELECTING PASS-THROUGH ENTITY WITH RESPECT TO THE CORRESPONDING TAXABLE YEAR; TO AMEND SECTIONS 27-7-25 AND 27-8-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) For calendar year 2022, and for each calendar year thereafter, any partnership, S corporation or similar pass-through entity may elect to be taxed as an electing pass-through entity and pay the tax imposed under this chapter at the entity level. For the purposes of this section, the term "electing pass-through entity" means a partnership, S corporation

or similar pass-through entity that has made an election pursuant to this section.

(b) A partnership, S corporation or similar pass-through entity desiring to be taxed as an electing pass-through entity shall submit the appropriate form to the Department of Revenue at any time during the tax year or on or before the fifteenth day of the third month following the close of that taxable year for which the entity elects to be taxed as an electing pass-through entity. This election shall be binding for that taxable year and all taxable years thereafter and shall not be revoked unless the electing pass-through entity submits the appropriate form to the department at any time during a subsequent taxable year or on or before the fifteenth day of the third month following the close of that taxable year for which the entity elects to no longer be taxed as an electing pass-through entity. Both the election to become an electing pass-through entity and the revocation of that election shall be accomplished by a vote by or written consent of the members of the governing body of the entity as well as a vote by or written consent of the owners, members, partners or shareholders holding greater than fifty percent (50%) of the voting control of the entity, within the time prescribed in this subsection.

(c) Each owner, member, partner or shareholder of an electing pass-through entity shall report his or her pro rata or distributive share of the income of the electing pass-through

entity but shall not be liable for the tax imposed under this chapter on such pro rata or distributive share of the income of the electing pass-through entity. Each owner, member, partner or shareholder of an electing pass-through entity shall be allowed a credit against the taxes imposed under this chapter in an amount equal to his or her pro rata or distributive share of tax paid by the electing pass-through entity with respect to the corresponding taxable year.

(2) The adjusted basis of the owners, members or partners of an electing pass-through entity in their ownership interests in the electing pass-through entity shall be calculated without regard to the election under this section.

SECTION 2. Section 27-7-25, Mississippi Code of 1972, is amended as follows:

27-7-25. (1) Individuals carrying on businesses in partnerships shall be liable for income tax only in their individual capacity, unless for federal purposes the partnership is taxable as a corporation. If so, then the partnership is also taxable as a corporation for state purposes and is subject to all of the corporate tax laws and regulations. The gross income of an individual partner shall be the gross income the partnership distributed on the same basis as net income or earnings may be distributed. If the preceding exception applies, then the partner will be treated as a shareholder in a corporation.

There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year.

The net income of the partnership shall be computed in the same manner and on the same basis as provided for individuals, provided no personal exemption shall be granted and, provided further, that husband and wife partnerships shall not be recognized for the purpose of this article, unless it can be proven that husband and wife have each contributed capital out of their separate estates, and not by gift, from one to the other.

In the case of partnerships, each partner that would otherwise be required to include more than twelve (12) months of income in a single taxable year may elect to include such excess in income in one (1) year or ratably over a period of four (4) taxable years.

In the event the individual partners fail to report and pay the taxes imposed according to this section, then the partnership and the general partners shall be jointly and severally liable for said tax liability and shall be assessed accordingly. However, the partnership and/or general partner shall not be liable if the partnership withholds five percent (5%) of the net gain or profit of the partnership for the tax year and remits the same to the commissioner. Such amounts paid to the commissioner shall be deemed to be payments of estimated tax of the partners and shall be allocated pro rata to the partners' taxpayer accounts. The

commissioner may allow, or require, block or composite filing by a partnership, or withholding on a nonresident partner.

Magnetic media reporting may be required in a manner to be determined by the commissioner.

Partnership returns shall be filed in such manner and at such time as prescribed by law.

(2) For a partnership that has made an election under Section 1 of this act to be taxed as an electing pass-through entity, the partnership shall pay income tax as provided for in Section 1 of this act.

SECTION 3. Section 27-8-7, Mississippi Code of 1972, is amended as follows:

27-8-7. (1) An S corporation shall not be subject to the tax imposed by Section 27-7-5; however, for an S corporation that has made an election under Section 1 of this act to be taxed as an electing pass-through entity, the S corporation shall be subject to and pay such tax as provided for in Section 1 of this act.

(2) For purposes of Section 27-7-15, each shareholder's pro rata share of the S corporation's income attributable to the state, and each resident shareholder's pro rata share of the S corporation's income not attributable to the state, shall be taken into account by the shareholder in the manner provided in Section 1366 of the Code.

(3) For purposes of determining the amounts taken into account by the shareholders of an S corporation under subsection

(2) of this section, the amount of any tax imposed on the S corporation under the Code shall not reduce the S corporation's income attributable to the state and income not attributable to the state.

SECTION 4. Section 1 of this act shall be codified as a new section in Chapter 7, Title 27, Mississippi Code of 1972.

SECTION 5. This act shall take effect and be in force from and after January 1, 2022.

Mississippi Legislature
2022 Regular Session

House Bill 1769

Description: Eminent domain; prohibit transfer of property acquired by for 10 years after acquisition.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Active
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	03/24	(H) Referred To Rules
2	03/24	(H) Title Suff Do Pass
3	03/24	(H) Passed {Vote}
4	03/24	(H) Immediate Release
5	03/24	(H) Transmitted To Senate
6	03/24	(S) Referred To Agriculture
7	03/25	(S) Title Suff Do Pass
8	03/28	(S) Passed {Vote}
9	03/29	(S) Returned For Enrolling
10	03/30	(H) Enrolled Bill Signed
11	03/30	(S) Enrolled Bill Signed
12	04/06	Due From Governor 04/23/22

----- Additional Information -----

House Committee: Rules
Senate Committee: Agriculture

Principal Author: White
Additional Authors: Miles

Title: AN ACT TO CODIFY ARTICLE 3, SECTION 17A OF THIS MISSISSIPPI CONSTITUTION IN THE MISSISSIPPI CODE OF 1972; TO PROVIDE THAT NO PROPERTY ACQUIRED BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN UNDER THE LAWS OF THE STATE OF MISSISSIPPI SHALL, FOR A PERIOD OF TEN YEARS AFTER ITS ACQUISITION, BE TRANSFERRED OR ANY INTEREST THEREIN TRANSFERRED TO ANY PERSON, NONGOVERNMENTAL ENTITY, PUBLIC-PRIVATE PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTITY; TO PROVIDE CERTAIN EXCEPTIONS; AND OTHER LIMITED CONDITIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Representatives White, Miles To: Rules

HOUSE BILL NO. 1769

AN ACT TO CODIFY ARTICLE 3, SECTION 17A OF THIS MISSISSIPPI CONSTITUTION IN THE MISSISSIPPI CODE OF 1972; TO PROVIDE THAT NO PROPERTY ACQUIRED BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN UNDER THE LAWS OF THE STATE OF MISSISSIPPI SHALL, FOR A PERIOD OF TEN YEARS AFTER ITS ACQUISITION, BE TRANSFERRED OR ANY INTEREST THEREIN TRANSFERRED TO ANY PERSON, NONGOVERNMENTAL ENTITY, PUBLIC-PRIVATE PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTITY; TO PROVIDE CERTAIN EXCEPTIONS; AND OTHER LIMITED CONDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. No property acquired by the exercise of the power of eminent domain under the laws of the State of Mississippi shall, for a period of ten (10) years after its acquisition, be transferred or any interest therein transferred to any person, nongovernmental entity, public-private partnership, corporation, or other business entity with the following exceptions:

(a) The above provisions shall not apply to drainage and levee facilities and usage, roads and bridges for public conveyance, flood control projects with a levee component, seawalls, dams, toll roads, public airports, public ports, public harbors, public wayports, common carriers or facilities for public

utilities and other entities used in the generation, transmission, storage or distribution of telephone, telecommunication, gas carbon dioxide, electricity, water, sewer, natural gas, liquid hydrocarbons or other utility products.

(b) The above provisions shall not apply where the use of eminent domain (i) removes a public nuisance; (ii) removes a structure that is beyond repair or unfit for human habitation or use; (iii) is used to acquire abandoned property; or (iv) eliminates a direct threat to public health or safety caused by the property in its current condition.

SECTION 2. Section 1 of this act shall be codified in Chapter 27, Title 11, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2007

Description: Honey; revise definition of for purposes of labeling requirements enforced by the Mississippi Department of Agriculture.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S)	Referred To Agriculture
2	01/27	(S)	Title Suff Do Pass
3	02/08	(S)	Passed {Vote}
4	02/09	(S)	Transmitted To House
5	02/10	(H)	Referred To Agriculture
6	02/22	(H)	Title Suff Do Pass As Amended
7	03/08	(H)	Amended
8	03/08	(H)	Failed {Vote}
9	03/08	(H)	Motion to Reconsider Entered (Carpenter, Pigott, Mangold)
10	03/09	(H)	Reconsidered
11	03/09	(H)	Amended
12	03/09	(H)	Passed As Amended {Vote}
13	03/11	(H)	Returned For Concurrence
14	03/16	(S)	Decline to Concur/Invite Conf
15	03/22	(S)	Conferees Named Younger,McCaughn,Seymour
16	03/24	(H)	Conferees Named Pigott,Morgan,Carpenter
17	03/25	(S)	Conference Report Filed
18	03/25	(H)	Conference Report Filed
19	03/26	(H)	Conference Report Adopted {Vote}
20	03/29	(S)	Conference Report Adopted {Vote}
21	03/31	(S)	Enrolled Bill Signed
22	03/31	(H)	Enrolled Bill Signed
23	04/13		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote

[H] Amendment No 2 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2007
Conference Reports:
| Conference Report

Code Section: A 075-0029-0601, A 075-0029-0603

----- Additional Information -----

Senate Committee: Agriculture
House Committee: Agriculture

Principal Author: McCaughn
Additional Authors: Whaley, Younger, Hill, Moran

Title: AN ACT TO AMEND SECTIONS 75-29-601 AND 75-29-603, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF COMMERCIAL HONEY FOR PURPOSES OF LABELING REQUIREMENTS ENFORCED BY THE MISSISSIPPI DEPARTMENT OF AGRICULTURE, TO PROVIDE THAT THE LABEL OF ANY PRODUCT CONSISTING OF HONEY AND SWEETENER SHALL INCLUDE ALL INGREDIENTS BY WEIGHT, TO PROVIDE THAT ALL SUBSTANCES ADDED TO HONEY TO ALTER THE FLAVOR SHALL BE INCLUDED ON THE LABEL AND TO PROVIDE THAT ANY LAB-GROWN HONEY SHALL NOT BE LABELED AS HONEY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) McCaughn, Whaley, Younger, Hill, Moran

To: Agriculture

SENATE BILL NO. 2007
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 75-29-601 AND 75-29-603, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF COMMERCIAL HONEY FOR PURPOSES OF LABELING REQUIREMENTS ENFORCED BY THE MISSISSIPPI DEPARTMENT OF AGRICULTURE, TO PROVIDE THAT THE LABEL OF ANY PRODUCT CONSISTING OF HONEY AND SWEETENER SHALL INCLUDE ALL INGREDIENTS BY WEIGHT, TO PROVIDE THAT ALL SUBSTANCES ADDED TO HONEY TO ALTER THE FLAVOR SHALL BE INCLUDED ON THE LABEL AND TO PROVIDE THAT ANY LAB-GROWN HONEY SHALL NOT BE LABELED AS HONEY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-29-601, Mississippi Code of 1972, is amended as follows:

75-29-601. (1) For purposes of this article, "honey" shall mean the sweet, syrupy substance produced by honey bees from the nectar of plants (including honeydew) which the bees collect, transform, deposit, dehydrate and store, ripened and matured in the honeycombs. The consistency can be fluid, viscous, or partly to entirely crystallized. The flavor and aroma vary but are derived from the plant origin. "Honey" may not contain any additional food ingredients, including food additives. Every container of honey or honey products sold, offered or exposed for

sale, by an individual, firm, organization or corporation in the State of Mississippi shall have on the outside of each container a paper label, permanent type stamped imprint or embossed material on the container itself, plainly printed in the English language truly certifying the net contents of the container, the name, brand, name and address of the person or processor offering such honey or honey products for sale, and a true statement of the contents contained therein.

(2) **Adulterated or artificial honey.** Any product consisting of honey and a sweetener cannot be labeled as "honey." If any sweetener has been added to honey, it shall be deemed adulterated or artificial. For a honey product consisting of honey and a sweetener, the label shall, among other information, include the following: All ingredients in descending order of predominance by weight: for example, "blend of honey and corn syrup," if the honey product has more honey than corn syrup. (Conversely, "blend of corn syrup and honey," if the honey product has more corn syrup than honey).

(3) **Value added honey products (flavored or infused honey).** All substances added to honey or honey products which enhance or alter the flavor shall be included on the label in the same size font as the word "honey." The label shall include the common or usual name of each ingredient in the ingredient statement in descending order of predominance by weight.

(4) **Lab-grown honey.** Any product outside the definition of honey shall not be considered honey and shall not be labeled as such.

(* * *5) It shall be unlawful for any individual, firm, organization or corporation to label and/or sell, offer for sale or expose for sale at the retail level of trade any product as " * * * honey" that does not meet the minimum requirements established by subsection (1) of this section and by the Mississippi Department of Agriculture and Commerce. * * *

(* * *6) It shall be unlawful for any manufacturer or distributor of honey or honey products to use a fictitious name or address on the container label required herein.

SECTION 2. Section 75-29-603, Mississippi Code of 1972, is amended as follows:

75-29-603. (1) The Mississippi Department of Agriculture and Commerce is hereby charged with the responsibility of enforcing this article, including the provisions of Section 75-29-601, Mississippi Code of 1972, and the Commissioner of Agriculture and Commerce or his representative shall be furnished samples of honey or honey products from the individual, firm, organization or corporation, upon request, and shall have such products analyzed by the State Chemist.

(2) The Commissioner of Agriculture and Commerce is authorized, in his discretion, to issue an order to stop the sale or distribution of any honey or honey products found to be in

violation of this article, including the provisions of Section 75-29-601, Mississippi Code of 1972. Upon written notice by the commissioner to the manufacturer or distributor of the honey or honey products sold in violation of this article, including the provisions of Section 75-29-601, such honey or honey products shall be picked up by the manufacturer or distributor of such products and the buyer of the honey or honey products sold in violation of this article, including the provisions of Section 75-29-601, shall be refunded the purchase price by the manufacturer or distributor.

(3) The Commissioner of Agriculture and Commerce of the State of Mississippi is hereby authorized and empowered, in his discretion, to make and promulgate rules and regulations as may be necessary to carry out the provisions of this article, including the provisions of Section 75-29-601.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2010

Description: Hunting; allow air guns, air bows and pre-charged pneumatic weapons, and authorize special seasons for CWD sample collection.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S)	Referred To Wildlife, Fisheries and Parks
2	01/26	(S)	Title Suff Do Pass
3	02/03	(S)	Passed {Vote}
4	02/07	(S)	Transmitted To House
5	02/08	(H)	Referred To Wildlife, Fisheries and Parks
6	02/24	(H)	Title Suff Do Pass
7	03/08	(H)	Amended
8	03/08	(H)	Passed As Amended {Vote}
9	03/09	(H)	Returned For Concurrence
10	03/16	(S)	Decline to Concur/Invite Conf
11	03/18	(S)	Conferees Named Whaley,Simmons (12th),Blackwell
12	03/25	(H)	Conferees Named Kinkade,Barnett,Hale
13	03/26	(S)	Conference Report Filed
14	03/26	(H)	Conference Report Filed
15	03/27	(H)	Conference Report Adopted {Vote}
16	03/28	(S)	Conference Report Adopted {Vote}
17	03/30	(S)	Enrolled Bill Signed
18	03/30	(H)	Enrolled Bill Signed
19	04/13		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2010

Conference Reports:
Conference Report

Code Section: A 049-0007-0037

----- Additional Information -----

Senate Committee: Wildlife, Fisheries and Parks
House Committee: Wildlife, Fisheries and Parks

Principal Author: Blackwell

Title: AN ACT TO AMEND SECTION 49-7-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO DECLARE SPECIAL SEASONS, WITHIN OR OUTSIDE THE ESTABLISHED OPEN SEASONS, FOR COLLECTING CHRONIC WASTING DISEASE TESTING SAMPLES; TO ESTABLISH AIR GUNS, AIR BOWS AND PRE-CHARGED PNEUMATIC WEAPONS AS LAWFUL MEANS OF HUNTING GAME; TO AUTHORIZE THE COMMISSION TO DEFINE AIR GUNS, AIR BOWS AND PRE-CHARGED PNEUMATIC WEAPONS SUITABLE FOR HUNTING GAME; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2010

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2022

By: Senator(s) Blackwell — To: Wildlife, Fisheries and Parks

SENATE BILL NO. 2010

AN ACT TO AMEND SECTION 49-7-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO DECLARE SPECIAL SEASONS, WITHIN OR OUTSIDE THE ESTABLISHED OPEN SEASONS, FOR COLLECTING CHRONIC WASTING DISEASE TESTING SAMPLES; TO ESTABLISH AIR GUNS, AIR BOWS AND PRE-CHARGED PNEUMATIC WEAPONS AS LAWFUL MEANS OF HUNTING GAME; TO AUTHORIZE THE COMMISSION TO DEFINE AIR GUNS, AIR BOWS AND PRE-CHARGED PNEUMATIC WEAPONS SUITABLE FOR HUNTING GAME; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-7-37, Mississippi Code of 1972, is amended as follows:

49-7-37. (1) Any resident of this state licensed to hunt or otherwise take any legal game bird or game animal in this state by or with the use of firearms, may hunt, kill, shoot or otherwise take game animals or game birds by the use of falcons or hawks as may be prescribed by the commission and in compliance with federal guidelines.

(2) (a) The commission may extend the special archery seasons on any public hunting projects, game refuges or prescribed areas having surplus deer populations.

(b) The commission may declare a special season in any area of the state where the need to collect samples for testing for chronic wasting disease (CWD) is indicated. Special seasons for collecting CWD testing samples may be set within the open season or, if necessary, outside the open season. Lawful weapons for hunting during any special CWD sample collection season shall be consistent with the then-current open season or, if outside the open season, as directed by order of the commission.

(3) The killing by primitive firearms of an antlerless deer or any other deer protected during the regular deer season is prohibited, but the commission may designate areas of the state in which the killing of antlerless deer may be permitted or limited.

(4) The commission may make reasonable rules and regulations concerning the special seasons with falcons and hawks, bow and arrow * * *, primitive firearms, air guns, air bows and pre-charged pneumatic weapons which it deems necessary and proper. The commission shall define the terms "primitive firearm," "air gun," "air bow" and "pre-charged pneumatic weapon" for purposes of this section and other law or regulation.

(5) Air guns shall be lawful for hunting small game during the seasons for hunting small game. Air bows and pre-charged pneumatic weapons shall be lawful for hunting large game, except game birds, turkeys and migratory waterfowl. Air bows and pre-charged pneumatic weapons may be used during any open season

on deer with primitive weapons after November 30, on private lands only, consistent with the requirements of Section 49-7-31(5)(a).

(* * *6) The use of dogs shall be prohibited for hunting deer during any of the special hunting seasons.

(* * *7) In addition to a hunting license allowing the taking of deer, any resident desiring to hunt deer with bow and arrow or primitive firearm during primitive weapon or archery season or special hunts established by the commission shall purchase a special resident archery and/or primitive firearms license at a fee of Fourteen Dollars ($14.00) for each license plus the fee provided in Section 49-7-17.

(* * *8) Any person violating this section is guilty of a Class II violation and shall be punished as provided in Section 49-7-143.

(* * *9) All seasons provided for herein shall begin on Saturday.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2029

Description: Laws that provide for camps for 4-H Club and that provide for the maintenance of herds at state institutions; repeal.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S) Referred To Agriculture
2	01/27	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/09	(H) Referred To Agriculture
6	02/22	(H) Title Suff Do Pass
7	03/08	(H) Amended
8	03/08	(H) Passed As Amended {Vote}
9	03/09	(H) Returned For Concurrence
10	03/16	(S) Decline to Concur/Invite Conf
11	03/22	(S) Conferees Named Younger,Caughman,Whaley
12	03/24	(H) Conferees Named Pigott,Mangold,Scoggin
13	03/25	(S) Conference Report Filed
14	03/25	(H) Conference Report Filed
15	03/26	(H) Conference Report Adopted {Vote}
16	03/29	(S) Conference Report Adopted {Vote}
17	03/31	(S) Enrolled Bill Signed
18	03/31	(H) Enrolled Bill Signed
19	04/13	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2029

Conference Reports:
Conference Report

Code Section: RP 037-0113-0029, RP 037-0113-0031, RP 037-0133-0033, RP 037-0133-0037

----- Additional Information -----

Senate Committee: Agriculture
House Committee: Agriculture

Principal Author: Younger

Title: AN ACT TO REPEAL SECTIONS 37-113-29 AND 37-133-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CAMPS FOR 4-H CLUB MEMBERS IN PANOLA AND MADISON COUNTIES; TO REPEAL SECTIONS 37-133-33 AND 37-133-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PURCHASE AND MAINTENANCE OF FOUNDATION HERDS OF BEEF CATTLE, SHEEP AND HOGS AT THE MISSISSIPPI STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE AND FOR THE INVENTORY OF LIVESTOCK OWNED BY STATE INSTITUTIONS; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2029

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Younger To: Agriculture

SENATE BILL NO. 2029

AN ACT TO REPEAL SECTIONS 37-113-29 AND 37-133-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CAMPS FOR 4-H CLUB MEMBERS IN PANOLA AND MADISON COUNTIES; TO REPEAL SECTIONS 37-133-33 AND 37-133-37, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PURCHASE AND MAINTENANCE OF FOUNDATION HERDS OF BEEF CATTLE, SHEEP AND HOGS AT THE MISSISSIPPI STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE AND FOR THE INVENTORY OF LIVESTOCK OWNED BY STATE INSTITUTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-113-29, Mississippi Code of 1972, which provides for a Camp for 4-H Club members in Panola County, is hereby repealed.

SECTION 2. Section 37-113-31, Mississippi Code of 1972, which provides for a camp for 4-H members in Madison County, is hereby repealed.

SECTION 3. Section 37-133-33, Mississippi Code of 1972, which provides for the purchase and maintenance of foundation herds of beef cattle, sheep and hogs at the Mississippi State University of Agriculture and Applied Science, is hereby repealed.

SECTION 4. Section 37-133-37, Mississippi Code of 1972, which provides for the inventory of livestock owned by state institutions, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2034

Description: Intestacy; revise provisions for venue.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/06	(S) Referred To Judiciary, Division A
2	01/27	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/09	(H) Referred To Judiciary A
6	02/23	(H) Title Suff Do Pass
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/11	(H) Returned For Concurrence
11	03/18	(S) Decline to Concur/Invite Conf
12	03/21	(S) Conferees Named Wiggins,McCaughn,Simmons (12th)
13	03/26	(H) Conferees Named Cockerham,Reynolds,McKnight
14	03/28	(H) Conference Report Filed
15	03/28	(S) Conference Report Filed
16	03/29	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	04/04	(S) Enrolled Bill Signed
19	04/04	(H) Enrolled Bill Signed
20	04/13	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2034

Conference Reports:
Conference Report

Code Section: A 091-0007-0063

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: McCaughn

Title: AN ACT TO AMEND SECTION 91-7-63, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LETTERS OF ADMINISTRATION SHALL BE GRANTED BY THE CHANCERY COURT OF THE COUNTY IN WHICH THE INTESTATE OWNED LAND IF THE INTESTATE HAD NO FIXED PLACE OF RESIDENCE; TO REMOVE THE PROVISION OF LAW THAT PROVIDED FOR LETTERS OF ADMINISTRATION TO BE ISSUED BY THE CHANCERY COURT IN THE COUNTY IN WHICH THE INTESTATE HAD PERSONAL PROPERTY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) McCaughn To: Judiciary, Division A

SENATE BILL NO. 2034

AN ACT TO AMEND SECTION 91-7-63, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT LETTERS OF ADMINISTRATION SHALL BE GRANTED BY THE CHANCERY COURT OF THE COUNTY IN WHICH THE INTESTATE OWNED LAND IF THE INTESTATE HAD NO FIXED PLACE OF RESIDENCE; TO REMOVE THE PROVISION OF LAW THAT PROVIDED FOR LETTERS OF ADMINISTRATION TO BE ISSUED BY THE CHANCERY COURT IN THE COUNTY IN WHICH THE INTESTATE HAD PERSONAL PROPERTY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 91-7-63, Mississippi Code of 1972, is amended as follows:

91-7-63. (1) Letters of administration shall be granted by the chancery court of the county in which the intestate had, at the time of his death, a fixed place of residence * * *. If the intestate did not have a fixed place of residence, then by the chancery court of the county where the intestate owned land. If the intestate did not have a fixed place of residence and did not own land, then by the chancery court of the county where the intestate died * * *. The court shall grant letters of administration to the relative who may apply, preferring first the husband or wife and then such others as may be next entitled to

distribution if not disqualified, selecting amongst those who may stand in equal right the person or persons best calculated to manage the estate; or the court may select a stranger, a trust company organized under the laws of this state, or of a national bank doing business in this state, if the kindred be incompetent. If such person does not apply for administration within thirty (30) days from the death of an intestate, the court may grant administration to a creditor or to any other suitable person.

(2) In addition to the rights and duties of the administrator contained in this chapter, he shall also have those rights, powers and remedies as set forth in Section 91-9-9.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2076

Description: Derelict vessels; provide certain requirements for the removal of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/11	(S) Referred To Ports and Marine Resources
2	01/27	(S) Title Suff Do Pass Comm Sub
3	02/07	(S) Committee Substitute Adopted
4	02/07	(S) Passed {Vote}
5	02/08	(S) Transmitted To House
6	02/09	(H) Referred To Marine Resources
7	02/23	(H) Title Suff Do Pass As Amended
8	03/08	(H) Amended
9	03/08	(H) Passed As Amended {Vote}
10	03/09	(H) Returned For Concurrence
11	03/17	(S) Decline to Concur/Invite Conf
12	03/21	(S) Conferees Named Moran,Wiggins,Thompson
13	03/22	(H) Conferees Named Ladner,Felsher,McKnight
14	03/28	(S) Conference Report Filed
15	03/28	(H) Conference Report Filed
16	03/29	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	03/31	(S) Enrolled Bill Signed
19	03/31	(H) Enrolled Bill Signed
20	04/13	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2076

Conference Reports:

| Conference Report

Code Section: A 049-0027-0071

----- Additional Information -----

Senate Committee: Ports and Marine Resources
House Committee: Marine Resources

Principal Author: Wiggins

Title: AN ACT TO AMEND SECTION 49-27-71, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS RELATING TO DERELICT VESSELS; TO PROVIDE FOR JURISDICTION IN ACTIONS TO REMOVE DERELICT VESSELS; TO PROVIDE CERTAIN REQUIREMENTS FOR THE REMOVAL OF DERELICT VESSELS; TO PROVIDE CERTAIN REQUIREMENTS FOR THE NOTICE PROCESS FOR THE REMOVAL OF DERELICT VESSELS; TO PROVIDE FOR THE PROCESS FOR DETERMINING OWNERSHIP OF DERELICT VESSELS; TO PROVIDE FOR RECOVERY OF COSTS ASSOCIATED WITH REMOVING DERELICT VESSELS; TO AUTHORIZE CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF MARINE RESOURCES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Wiggins To: Ports and Marine Resources

SENATE BILL NO. 2076
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-27-71, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS RELATING TO DERELICT VESSELS; TO PROVIDE FOR JURISDICTION IN ACTIONS TO REMOVE DERELICT VESSELS; TO PROVIDE CERTAIN REQUIREMENTS FOR THE REMOVAL OF DERELICT VESSELS; TO PROVIDE CERTAIN REQUIREMENTS FOR THE NOTICE PROCESS FOR THE REMOVAL OF DERELICT VESSELS; TO PROVIDE FOR THE PROCESS FOR DETERMINING OWNERSHIP OF DERELICT VESSELS; TO PROVIDE FOR RECOVERY OF COSTS ASSOCIATED WITH REMOVING DERELICT VESSELS; TO AUTHORIZE CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF MARINE RESOURCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-27-71, Mississippi Code of 1972, is amended as follows:

49-27-71. (1) **Definitions.** As used in the section, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

* * *

(a) "Abandoned vessel" means a vessel left unattended for four (4) or more weeks after a hurricane, tropical storm or other natural event resulting in a declaration of emergency by the Governor, or, in the absence of a hurricane, tropical storm or

other natural event resulting in a declaration of emergency by the Governor, any of the following:

(i) A vessel left unattended that is moored, anchored, or otherwise in the waters of the state or on public property for a period of more than ten (10) days.

(ii) A vessel that is moored, anchored, or otherwise on or attached to private property for a period of more than ten (10) days without the consent of the owner or lessee of the property or of the public trust tidelands.

Upon notification from the owner of the vessel outlining the circumstances following a hurricane, tropical storm or other natural event, the department may grant an exception to the time frames indicated above.

(b) "Department" means the Mississippi Department of Marine Resources.

(c) "Derelict vessel" means a vessel in the waters of the State of Mississippi that satisfies any of the following:

(i) Is aground without the ability to extricate itself absent mechanical assistance;

(ii) Is sunk or otherwise resting on the bottom of the waterway;

(iii) Is abandoned;

(iv) Is wrecked, junked, or in a substantially dismantled condition upon any waters of this state:

1. A vessel is "wrecked" if it is sunken or sinking; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or fire.

2. A vessel is "junked" if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion.

3. A vessel is "substantially dismantled" if at least two (2) of the three (3) following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

(A) The steering system;

(B) The propulsion system; or

(C) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion;

(v) Docked, grounded, or beached upon the property of another without the consent of the owner of the property;

(vi) Is obstructing a waterway or within one hundred (100) yards of the boundaries of any state, county or municipal port;

(vii) Is endangering life or property;

(viii) Has broken loose or is in danger of breaking loose from its anchor, mooring, or ties; or

(iv) A vessel that is otherwise not seaworthy.

(d) "Documented vessel" means a vessel documented under 46 USC, Chapter 121.

(e) "Effective means of propulsion" means a vessel, other than a barge, that is equipped with:

(i) A functioning motor, controls, and steering system; or

(ii) Rigging and sails that are present and in good working order, and a functioning steering system.

A vessel does not have an effective means of propulsion for safe navigation within seventy-two (72) hours after the vessel owner or operator received telephonic notice, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from a representative of the department, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The department may adopt regulations to implement this paragraph.

(f) "Floating building or structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.

(g) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property to such conduct.

(h) "Moored" means a vessel that is anchored or affixed in some other way to the public trust tidelands, to leased tidelands, to private land, or within the riparian zone of a private or public landowner or leaseholder.

(i) "Registered" means a vessel documented under Section 59-21-5, Mississippi Code of 1972.

(j) "Unseaworthy" means a vessel that is not fit or safe for any normal perils of the sea or has no effective means of propulsion.

(k) "Vessel" means every description of watercraft, other than a seaplane, capable of being used as a means of transportation on the water. For the purposes of this section, vessels powered only by hand, foot, oars or paddles, are included. For the purposes of this section, floatable buildings and structures, whether or not they are used for navigation, are included.

(l) "Waters of the state" means any waters located within Harrison, Hancock and Jackson Counties under the jurisdiction of the Mississippi Department of Marine Resources as established pursuant to Section 49-15-23, Mississippi Code of 1972.

(m) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2) **Jurisdiction.** (a) (i) In the waters of Harrison, Hancock and Jackson Counties, a person * * *, firm, corporation or other entity may not leave derelict or at risk of being derelict, any vessel on the coastal wetlands, marine waters, or on public or privately owned lands without the owner's permission.

(ii) The Department of Marine Resources has the authority to remove derelict vessels, whether located on private or public property.

(iii) Vessels located in ports and harbors are subject to the provisions outlined in Title 50, Mississippi Code of 1972, Ports, Harbors, Landings and Watercraft.

(iv) Subparagraph (i) of this paragraph (a) does not apply to vessels located in marinas, garages or repair shops for repairs, improvements or other work with knowledge of the owner and for which the costs for such services have been unpaid.

(v) Vessels deemed to be derelict pursuant to this chapter are exempt from the salvage provisions in Section 89-17-1 et seq., Mississippi Code of 1972.

(b) (i) In all other waters of the State of Mississippi, a person, firm, corporation or other entity may not leave derelict or at risk of being derelict, any vessel in the wetlands, public waters or waterways or on public or privately owned lands without the owner's permission.

(ii) Subparagraph (i) of this paragraph (b) does not apply to vessels located in public or private marinas, garages or repair shops for repairs, improvements or other work with knowledge of the owner and for which the costs for such services have been unpaid.

(iii) Vessels deemed to be derelict pursuant to this chapter are exempt from the salvage provisions of Section 89-17-1 et seq., Mississippi Code of 1972.

(3) **Penalties**. Violations of this act will be subject to the penalties as provided in Section 49-15-63.

(* * *4) **Standing.** * * * A party with standing may initiate the derelict vessel procedures in this section. For purpose of this section, the following parties have standing:

(a) The owner of the property where the vessel came to rest or to which the vessel was made fast;

(b) Any harbormaster, police department, municipality or agent of the state that agrees to accept or process a derelict vessel; or

(c) Any professional marine salvager when the salvager is engaged by a person with standing.

(5) **Landowner permission may be revoked at any time.** The landowner must provide the department sufficient proof that the vessel owner has been notified of the revocation of landowner's permission or proof that the landowner cannot locate the owner of the vessel.

When a vessel that is not otherwise leased to another party is moored upon public trust tidelands for a period of thirty (30) days or longer, permission must be granted by the Secretary of State's Office.

(* * *6) **Notice.** Any party with standing, or his or her representative, may initiate the notice process by filing an application with the department to remove the derelict vessel * * *. Upon receipt and review of the application, * * * the department may initiate the following notice process:

(a) A department officer * * * is authorized to board any vessel that has been reported to the department as being derelict or at risk of being derelict to determine the condition of the vessel and in an attempt to establish ownership of the vessel.

(b) A department officer shall post notice, which must comply with the following requirements:

(i) Be posted on the vessel in a prominent location, visible to an approaching person;

(ii) Require the vessel owner to submit a plan for removal to the department within seven (7) days of the notice; and

(* * *iii) * * * Include a space for the owner of the vessel to respond.

(c) If the registered owner responds with a signature in the space or otherwise provides a written response to the department requesting an extension of time, then the registered owner will have an additional five (5) days to * * * submit the plan for removal.

(d) * * * The department will notify the respondent of the approval or denial of the removal plan within seven (7) business days.

(e) If the respondent fails to comply with the approved removal plan and fails to submit a satisfactory reason as to why the vessel cannot be moved as planned, the department may present

the removal plan and evidence of the owner's noncompliance to the chancery court.

(f) Upon presentation of the required evidence, the chancery court will issue an order allowing the department or its representative to remove the vessel from its current location and make whatever disposition is deemed appropriate, including, but not limited to, immediate disposal, storage pending disposal, use for official purposes, transfer to another state agency or other disposition.

(g) If the vessel is located in an area of coastal wetlands where emergent vegetation is present or where the vessel is embedded in the ground, a wetlands permit may be required prior to removal.

(h) Any party who acts in good faith and without malicious intent in the processing, storing or moving any derelict vessel pursuant to this section is immune from liability for damages to the vessel.

(7) **Determining ownership.** (a) Upon receipt of an application for the removal of a derelict vessel where no removal plan has been submitted by the owner, the department must attempt to contact the registered owner of the vessel and any lien holders of record by other available means.

(b) The department must inquire of the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) as to the status of the vessel in regard to the Mississippi Boating Law of

1960, Section 59-21-1 et seq., or the United States Coast Guard as to the status of the vessel in regard to documentation under 46 USC, Chapter 121.

(c) The inquiry must provide the description of the vessel, including the vessel registration number.

(d) The MDWFP is required to provide the requested information to the department within two (2) business days.

(e) The registered owner of a vessel must comply with Section 59-21-21 to change ownership. In the event a vessel owner fails to notify the MDWFP of a transfer of ownership and supply the new owner's contact information, the owner of the vessel according to MDWFP records is presumed to be the person to whom the vessel is registered.

(f) If there is no registered owner found, the department must make publication on the department's website and in a newspaper with general circulation for three (3) weeks, describing the vessel and the location.

(* * *8) **Derelict vessel removal.** (a) After the initial notice period described in subsection (* * *6) has lapsed * * * and the department can show proof of inquiries to ascertain the vessel ownership under subsection (7) of this section, the department may obtain an order from the chancery court for the derelict vessel to be removed from its current location.

(b) * * * The chancery court order may authorize the department to make whatever disposition is deemed appropriate,

including, but not limited to, immediate disposal of the vessel, storage pending disposal, use for official purposes, transfer to another state agency or other disposition.

(c) * * * If the vessel is located in an area of coastal wetlands where emergent vegetation is present or where the vessel is embedded in the ground, a wetlands permit may be required prior to removal.

(d) Any person who acts in good faith and without malicious intent in the processing, * * * storing or * * * moving of any derelict vessel pursuant to this section is immune from civil liability for damage to the vessel.

(* * *9) **Emergency removal.** Any derelict vessel that is obstructing a waterway, is within any designated navigation channel or within one hundred (100) yards of the boundaries of any state, county or municipal port may be declared a hazard to navigation and subject to immediate relocation, removal * * * disposal, or other disposition by the department or other party with standing.

(a) Any derelict vessel that is leaking any hazardous substances, chemicals or fuels will be reported to the Mississippi Department of Environmental Quality (MDEQ) and may be declared an environmental hazard and subject to immediate relocation, removal * * * disposal * * * or other disposition by MDEQ, the department or other party with standing.

(b) The * * * registered owner of a vessel removed in accordance with this subsection * * * (9) is liable for the costs associated with the relocation, removal, salvage * * * storage or disposal of the vessel and any damages to the flora and fauna within the affected area.

(c) Any funds derived from salvage or sale of a vessel pursuant to this section will be used to offset the costs to the department associated with the removal, salvage, storage or disposal of the vessel.

(d) Any funds derived from damages to the flora and fauna will be deposited into the Coastal Resource Management Fund if the Department of Marine Resources initiates the action.

* * * (e) Any party who relocates or removes a vessel under this section is not liable for damages resulting from relocation or removal unless the damage results from gross negligence or willful misconduct.

(* * *10) **Cost recovery.** (a) * * * The department may seek full cost recovery from the registered owner of the derelict vessel for any expense incurred as a result of, or incidental to, removing the vessel. The registered owner of the vessel is liable for the costs of removal, storage, disposal, and restoration of affected lands * * *, attorneys' fees, and all court costs * * *.

(b) The owner of the vessel is also liable for * * * an administrative penalty of Five Hundred Dollars ($500.00) per day. * * * The penalty for emergency removal of vessels under

subsection (9) of this section may be imposed by the Executive Director of the Department of Marine Resources upon the recommendation of the Advisory Commission on Marine Resources, under Section 49-15-401 et seq. The fines for removal of all other vessels may be imposed by the chancery court.

(c) Expenses incurred, including, but not limited to, fines, court costs, vessel removal, storage, disposal, restoration of affected lands, and attorneys' fees for derelict vessels will be imposed by the chancery court as outlined in subsection (11) of this section.

(d) If the registered owner should fail to pay fines imposed by the department in accordance with paragraph (b) of this subsection, an enforcement action will be filed with the chancery court which may result in the court issuing an order, including, but not limited to, the collection of fines, court costs, and/or any legal avenue the court finds appropriate to collect such funds.

(e) All proceeds from any activity initiated by the Department of Marine Resources related to the disposition of a vessel under this chapter will go into the Derelict Vessel Fund, a special fund within the Seafood Fund. However, any fines imposed for the damage to coastal wetlands will be placed in the Coastal Resource Management Fund.

(* * *11) **Court process.** (a) The chancery court of the county in which the vessel is located has jurisdiction over all

matters concerning derelict vessels under this section, including injunctions and demands for damages. If the vessel is allowed to float and/or is otherwise moved to another county after notice has been provided under subsection (6) of this section, the county in which the vessel was first provided notice shall have continuing jurisdiction.

(b) If there is no response to the publication attempts under subsection (7)(e) of this section, the chancery court will issue an order to the department allowing the department to take possession of the vessel and make such use or disposition of the vessel as deemed appropriate under the circumstances. If the department determines that the vessel may be used for official purposes or otherwise sold, the MDWFP will issue a vessel registration number or a hull identification number to the department after proof of publication has been submitted.

(* * *c) The chancery court may, in its discretion, order damages up to Five Hundred Dollars ($500.00) per day for every day the vessel was left abandoned or derelict, beginning on the day * * * notice was posted on the vessel. * * *

(* * *d) If the department or a party with standing desires to require the registered owner to remove the vessel, then he or she may apply to the chancery court for a writ of mandatory injunction ordering the registered owner to remove the vessel. The chancery court must allow a reasonable time for removal and restoration of the affected lands. The chancery court may order

further damages not to exceed Five Hundred Dollars ($500.00) per day for each day that the violation exists beyond the date set by the court in an injunction for the removal of the vessel and restoration of the affected lands.

(* * *e) Any court-ordered reimbursed costs or damages in excess of the actual costs of removal and restoration initiated by the Department of Marine Resources must be deposited in a special fund in the State Treasury known as the "Derelict Vessel Fund" * * * within the Seafood Fund. Any funds deposited in the fund must be used to cover the administrative costs and removal costs incurred by the department for the removal of vessels. Any remaining funds must be used to cover the costs of removing additional derelict vessels. However, any fines imposed for the damage to coastal wetlands will be placed in the Coastal Resource Management Fund.

(* * *12) **Department authorities.** (a) The department is authorized to enter into contracts with individuals, firms and corporations, or agreements with other state agencies for the removal and/or temporary storage of vessels prior to removal. The salvage value, if any, of the vessel may be used to offset the costs of the removal of the vessel and the restoration of the affected area. The department may enter into noncompetitive contracts or agreements with any state or federal entity for the removal of vessels.

(b) The * * * department may * * * enter into interstate or intrastate * * * agreements toward this end, and may seek and utilize aid from all federal, state, and local sources in this endeavor.

(c) The Department of Marine Resources shall adopt rules and regulations necessary and appropriate to carry out this section for actions falling within its jurisdiction.

(d) The department may promulgate regulations to establish a derelict vessel prevention program to address vessels at risk of becoming derelict. Such program may, but is not required to, include:

(i) Removal, relocation, and destruction of vessels declared a public nuisance due to the lack of proper marine sanitation, derelict or at risk of becoming derelict, or lost or abandoned.

(ii) Creation of a vessel turn-in program allowing the owner of a vessel determined by the department to be at risk of becoming derelict, to turn the vessel and vessel title over to the department to be destroyed without penalty.

(iii) Providing for removal and destruction or other disposition of an abandoned vessel for which an owner cannot be identified or the owner of which is deceased and no heir is interested in acquiring the vessel.

(iv) Purchase of anchor line, anchors, and other equipment necessary for securing vessels at risk of becoming derelict.

(v) Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.

(* * *e) The State of Mississippi, the Commission on Marine Resources, the Department of Marine Resources, and their employees and representatives shall not be liable for any damages resulting from the removal, towing, storage, sale or disposal of any vessel * * * that is derelict or hazardous under this section.

(f) The department or any party with standing does not incur liability for any resulting damage to the vessel or any damage the vessel may cause to any property or person during the time frame between posting notice and vessel removal. If any damages occur during the period of time between notice and removal of the vessel, the registered vessel owner, according to MDWFP records, is presumed liable for all damages.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2769

Description: Ad valorem tax; exempt property owned by a university or community college foundation or federally qualified health center.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Finance
2	01/27	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/08	(H) Referred To Ways and Means
6	02/16	(H) Title Suff Do Pass As Amended
7	02/17	(H) Amended
8	02/17	(H) Passed As Amended {Vote}
9	02/18	(H) Returned For Concurrence
10	03/16	(S) Concurred in Amend From House {Vote}
11	03/17	(S) Enrolled Bill Signed
12	03/17	(H) Enrolled Bill Signed
13	03/22	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2769

Code Section: A 027-0031-0001

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM AD VALOREM TAXATION ALL PROPERTY BELONGING TO ANY FOUNDATION ORGANIZED AS A NONPROFIT CORPORATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION 501(C)(3)

OF THE INTERNAL REVENUE CODE AND THAT RECEIVES, INVESTS AND ADMINISTERS PRIVATE SUPPORT FOR A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING, A PUBLIC COMMUNITY COLLEGE OR JUNIOR COLLEGE LOCATED IN THIS STATE OR A NONPROFIT PRIVATE UNIVERSITY OR COLLEGE LOCATED IN THIS STATE, OR BY ANY ENTITY WHOLLY OWNED AND WHOLLY CONTROLLED BY SUCH A FOUNDATION; TO EXEMPT FROM AD VALOREM TAXATION ALL PROPERTY BELONGING TO A FEDERALLY QUALIFIED HEALTH CENTER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2769
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM AD VALOREM TAXATION ALL PROPERTY BELONGING TO ANY FOUNDATION ORGANIZED AS A NONPROFIT CORPORATION THAT IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE AND THAT RECEIVES, INVESTS AND ADMINISTERS PRIVATE SUPPORT FOR A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING, A PUBLIC COMMUNITY COLLEGE OR JUNIOR COLLEGE LOCATED IN THIS STATE OR A NONPROFIT PRIVATE UNIVERSITY OR COLLEGE LOCATED IN THIS STATE, OR BY ANY ENTITY WHOLLY OWNED AND WHOLLY CONTROLLED BY SUCH A FOUNDATION; TO EXEMPT FROM AD VALOREM TAXATION ALL PROPERTY BELONGING TO A FEDERALLY QUALIFIED HEALTH CENTER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-31-1, Mississippi Code of 1972, is amended as follows:

27-31-1. The following shall be exempt from taxation:

(a) All cemeteries used exclusively for burial purposes.

(b) All property, real or personal, belonging to the State of Mississippi or any of its political subdivisions, except property of a municipality not being used for a proper municipal purpose and located outside the county or counties in which such municipality is located. A proper municipal purpose within the

meaning of this section shall be any authorized governmental or corporate function of a municipality.

(c) All property, real or personal, owned by units of the Mississippi National Guard, or title to which is vested in trustees for the benefit of any unit of the Mississippi National Guard; provided such property is used exclusively for such unit, or for public purposes, and not for profit.

(d) All property, real or personal, belonging to any religious society, or ecclesiastical body, or any congregation thereof, or to any charitable society, or to any historical or patriotic association or society, or to any garden or pilgrimage club or association and used exclusively for such society or association and not for profit; not exceeding, however, the amount of land which such association or society may own as provided in Section 79-11-33. All property, real or personal, belonging to any foundation organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and that receives, invests and administers private support for a state-supported institution of higher learning, a public community college or junior college located in the State of Mississippi or a nonprofit private university or college located in the State of Mississippi, as the case may be. For the sole purpose of applying the preceding sentence, all property, real or personal, belonging to an entity that is wholly owned by and controlled by such a foundation shall be treated as

belonging to the foundation. All property, real or personal, belonging to any rural waterworks system or rural sewage disposal system incorporated under the provisions of Section 79-11-1. All property, real or personal, belonging to any college or institution for the education of youths, used directly and exclusively for such purposes, provided that no such college or institution for the education of youths shall have exempt from taxation more than six hundred forty (640) acres of land; provided, however, this exemption shall not apply to commercial schools and colleges or trade institutions or schools where the profits of same inure to individuals, associations or corporations. All property, real or personal, belonging to an individual, institution or corporation and used for the operation of a grammar school, junior high school, high school or military school. All property, real or personal, owned and occupied by a fraternal and benevolent organization, when used by such organization, and from which no rentals or other profits accrue to the organization, but any part rented or from which revenue is received shall be taxed.

(e) All property, real or personal, held and occupied by trustees of public schools, and school lands of the respective townships for the use of public schools, and all property kept in storage for the convenience and benefit of the State of Mississippi in warehouses owned or leased by the State of Mississippi, wherein said property is to be sold by the Alcoholic

Beverage Control Division of the Department of Revenue of the State of Mississippi.

(f) All property, real or personal, whether belonging to religious or charitable or benevolent organizations, which is used for hospital purposes, and nurses' homes where a part thereof, and which maintain one or more charity wards that are for charity patients, and where all the income from said hospitals and nurses' homes is used entirely for the purposes thereof and no part of the same for profit. All property, real or personal, belonging to a federally qualified health center where all the income from such center is used entirely for the purposes thereof and no part of the same for profit.

(g) The wearing apparel of every person; and also jewelry and watches kept by the owner for personal use to the extent of One Hundred Dollars ($100.00) in value for each owner.

(h) Provisions on hand for family consumption.

(i) All farm products grown in this state for a period of two (2) years after they are harvested, when in the possession of or the title to which is in the producer, except the tax of one-fifth of one percent (1/5 of 1%) per pound on lint cotton now levied by the Board of Commissioners of the Mississippi Levee District; and lint cotton for five (5) years, and cottonseed, soybeans, oats, rice and wheat for one (1) year regardless of ownership.

(j) All guns and pistols kept by the owner for private use.

(k) All poultry in the hands of the producer.

(l) Household furniture, including all articles kept in the home by the owner for his own personal or family use; but this shall not apply to hotels, rooming houses or rented or leased apartments.

(m) All cattle and oxen.

(n) All sheep, goats and hogs.

(o) All horses, mules and asses.

(p) Farming tools, implements and machinery, when used exclusively in the cultivation or harvesting of crops or timber.

(q) All property of agricultural and mechanical associations and fairs used for promoting their objects, and where no part of the proceeds is used for profit.

(r) The libraries of all persons.

(s) All pictures and works of art, not kept for or offered for sale as merchandise.

(t) The tools of any mechanic necessary for carrying on his trade.

(u) All state, county, municipal, levee, drainage and all school bonds or other governmental obligations, and all bonds and/or evidences of debts issued by any church or church organization in this state, and all notes and evidences of indebtedness which bear a rate of interest not greater than the

maximum rate per annum applicable under the law; and all money loaned at a rate of interest not exceeding the maximum rate per annum applicable under the law; and all stock in or bonds of foreign corporations or associations shall be exempt from all ad valorem taxes.

(v) All lands and other property situated or located between the Mississippi River and the levee shall be exempt from the payment of any and all road taxes levied or assessed under any road laws of this state.

(w) Any and all money on deposit in either national banks, state banks or trust companies, on open account, savings account or time deposit.

(x) All wagons, carts, drays, carriages and other horse-drawn vehicles, kept for the use of the owner.

(y) (i) Boats, seines and fishing equipment used in fishing and shrimping operations and in the taking or catching of oysters.

(ii) All towboats, tugboats and barges documented under the laws of the United States, except watercraft of every kind and character used in connection with gaming operations.

(z) (i) All materials used in the construction and/or conversion of vessels in this state;

(ii) Vessels while under construction and/or conversion;

(iii) Vessels while in the possession of the manufacturer, builder or converter, for a period of twelve (12) months after completion of construction and/or conversion; however, the twelve-month limitation shall not apply to:

1. Vessels used for the exploration for, or production of, oil, gas and other minerals offshore outside the boundaries of this state; or

2. Vessels that were used for the exploration for, or production of, oil, gas and other minerals that are converted to a new service for use outside the boundaries of this state;

(iv) 1. In order for a vessel described in subparagraph (iii) of this paragraph (z) to be exempt for a period of more than twelve (12) months, the vessel must:

a. Be operating or operable, generating or capable of generating its own power or connected to some other power source, and not removed from the service or use for which manufactured or to which converted; and

b. The manufacturer, builder, converter or other entity possessing the vessel must be in compliance with any lease or other agreement with any applicable port authority or other entity regarding the vessel and in compliance with all applicable tax laws of this state and applicable federal tax laws.

2. A vessel exempt from taxation under subparagraph (iii) of this paragraph (z) may not be exempt for a

period of more than three (3) years unless the board of supervisors of the county and/or governing authorities of the municipality, as the case may be, in which the vessel would otherwise be taxable adopts a resolution or ordinance authorizing the extension of the exemption and setting a maximum period for the exemption.

(v) As used in this paragraph (z), the term "vessel" includes ships, offshore drilling equipment, dry docks, boats and barges, except watercraft of every kind and character used in connection with gaming operations.

(aa) Sixty-six and two-thirds percent (66-2/3%) of nuclear fuel and reprocessed, recycled or residual nuclear fuel by-products, fissionable or otherwise, used or to be used in generation of electricity by persons defined as public utilities in Section 77-3-3.

(bb) All growing nursery stock.

(cc) A semitrailer used in interstate commerce.

(dd) All property, real or personal, used exclusively for the housing of and provision of services to elderly persons, disabled persons, mentally impaired persons or as a nursing home, which is owned, operated and managed by a not-for-profit corporation, qualified under Section 501(c)(3) of the Internal Revenue Code, whose membership or governing body is appointed or confirmed by a religious society or ecclesiastical body or any congregation thereof.

(ee) All vessels while in the hands of bona fide dealers as merchandise and which are not being operated upon the waters of this state shall be exempt from ad valorem taxes. As used in this paragraph, the terms "vessel" and "waters of this state" shall have the meaning ascribed to such terms in Section 59-21-3.

(ff) All property, real or personal, owned by a nonprofit organization that: (i) is qualified as tax exempt under Section 501(c)(4) of the Internal Revenue Code of 1986, as amended; (ii) assists in the implementation of the national contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; (iii) engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal or tidal waters; and (iv) is used for the purposes of the organization.

(gg) If a municipality changes its boundaries so as to include within the boundaries of such municipality the project site of any project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix), all real and personal property located on the project site within the boundaries of such municipality that is owned by a business enterprise operating such project, shall be exempt from ad valorem taxation for a period of time not to exceed

thirty (30) years upon receiving approval for such exemption by the Mississippi Major Economic Impact Authority. The provisions of this paragraph shall not be construed to authorize a breach of any agreement entered into pursuant to Section 21-1-59.

(hh) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests (including, but not limited to, subleaseholds and subleasehold interests), of or with respect to any and all property (real, personal or mixed) constituting all or any part of a facility for the manufacture, production, generation, transmission and/or distribution of electricity, and any real property related thereto, shall be exempt from ad valorem taxation during the period as the United States is both the title owner of the property and a sublessee of or with respect to the property; however, the exemption authorized by this paragraph (hh) shall not apply to any entity to whom the United States sub-subleases its interest in the property nor to any entity to whom the United States assigns its sublease interest in the property. As used in this paragraph, the term "United States" includes an agency or instrumentality of the United States of America. This paragraph (hh) shall apply to all assessments for ad valorem taxation for the 2003 calendar year and each calendar year thereafter.

(ii) All property, real, personal or mixed, including fixtures and leaseholds, used by Mississippi nonprofit entities

qualified, on or before January 1, 2005, under Section 501(c)(3) of the Internal Revenue Code to provide support and operate technology incubators for research and development start-up companies, telecommunication startup companies and/or other technology startup companies, utilizing technology spun-off from research and development activities of the public colleges and universities of this state, State of Mississippi governmental research or development activities resulting therefrom located within the State of Mississippi.

(jj) All property, real, personal or mixed, including fixtures and leaseholds, of start-up companies (as described in paragraph (ii) of this section) for the period of time, not to exceed five (5) years, that the startup company remains a tenant of a technology incubator (as described in paragraph (ii) of this section).

(kk) All leases, lease contracts or lease agreements (including, but not limited to, subleases, sublease contracts and sublease agreements), and leaseholds or leasehold interests, of or with respect to any and all property (real, personal or mixed) constituting all or any part of an auxiliary facility, and any real property related thereto, constructed or renovated pursuant to Section 37-101-41, Mississippi Code of 1972.

(ll) Equipment brought into the state temporarily for use during a disaster response period as provided in Sections 27-113-1 through 27-113-9 and subsequently removed from the state

on or before the end of the disaster response period as defined in Section 27-113-5.

(mm) For any lease or contractual arrangement to which the Department of Finance and Administration and a nonprofit corporation are a party to as provided in Section 39-25-1(5), the nonprofit corporation shall, along with the possessory and leasehold interests and/or real and personal property of the corporation, be exempt from all ad valorem taxation, including, but not limited to, school, city and county ad valorem taxes, for the term or period of time stated in the lease or contractual arrangement.

(nn) All property, real or personal, that is owned, operated and managed by a not-for-profit corporation qualified under Section 501(c)(3) of the Internal Revenue Code, and used to provide, free of charge, (i) a practice facility for a public school district swim team, and (ii) a facility for another not-for-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code to conduct water safety and lifeguard training programs. This section shall not apply to real or personal property owned by a country club, tennis club with a pool, or any club requiring stock ownership for membership.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2773

Description: Income tax; extend repealer on credit for certain costs paid by a company in relocating national or regional headquarters to this state.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Finance
2	01/25	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/07	(S) Transmitted To House
5	02/08	(H) Referred To Ways and Means
6	03/01	(H) Title Suff Do Pass As Amended
7	03/08	(H) Amended
8	03/08	(H) Passed As Amended {Vote}
9	03/09	(H) Returned For Concurrence
10	03/17	(S) Concurred in Amend From House {Vote}
11	03/21	(S) Enrolled Bill Signed
12	03/21	(H) Enrolled Bill Signed
13	03/26	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2773

Code Section: A 057-0073-0021

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES AN INCOME TAX CREDIT FOR ANY COMPANY THAT

TRANSFERS OR RELOCATES ITS NATIONAL OR REGIONAL HEADQUARTERS TO THE STATE OF MISSISSIPPI FROM OUTSIDE THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2773
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES AN INCOME TAX CREDIT FOR ANY COMPANY THAT TRANSFERS OR RELOCATES ITS NATIONAL OR REGIONAL HEADQUARTERS TO THE STATE OF MISSISSIPPI FROM OUTSIDE THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-73-21, Mississippi Code of 1972, as amended by Senate Bill No. 2095, 2022 Regular Session, is amended as follows:

[In cases involving business enterprises that received or applied for the job tax credit authorized by this section prior to January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the State Tax Commission shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination

of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Tax Commission qualify for the appropriate tax credit for jobs as provided in subsections (2), (3) and (4) of this section. The designation by the Tax Commission is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Tax Commission shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development

Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Two Thousand Dollars ($2,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Tax Commission shall adjust the credit allowed each year for the

net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties that have been designated by the Tax Commission as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to One Thousand Dollars ($1,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to

Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Five Hundred Dollars ($500.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster

area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the credits authorized in subsections (2), (3) and (4), an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of

the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of thirty-five (35) jobs must be created to qualify for the additional credit. The State Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the credits authorized in subsections (2), (3), (4) and (5), any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee.

(7) In lieu of the tax credits provided in subsections (2) through (6), any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the amounts provided in subsection (2), (3) or (4) for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job. The number of new full-time jobs must be determined by comparing the monthly average number of

full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(8) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (2), (3), (4), (5), (6) and (7) of this section. Except as otherwise provided, the Tax Commission shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Tax Commission shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its

employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(10) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Chairman of the State Tax Commission may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(11) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(13) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(14) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be

included within the definition of the term "telecommunications enterprises."

[In cases involving business enterprises that apply for the job tax credit authorized by this section from and after January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the Department of Revenue shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Department of Revenue qualify for the appropriate tax credit for jobs as provided in this section. The designation by the Department of Revenue is

effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which plan an expansion in their labor forces, the Department of Revenue shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises in counties designated by the Department of Revenue as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to ten percent (10%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by ten (10) or more in a Tier Three area are eligible for the credit.

Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10). Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (2).

(3) Permanent business enterprises in counties that have been designated by the Department of Revenue as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The

credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15). Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (3).

(4) Permanent business enterprises in counties designated by the Department of Revenue as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to two and one-half percent (2.5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by twenty (20) or more in Tier One areas are eligible for the credit.

The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20). Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (4).

(5) (a) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of twenty (20) jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded

in this paragraph (a). As used in this paragraph (a), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this paragraph (a).

(b) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi. A minimum of twenty (20) new jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (b). As used in this paragraph

(b), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this paragraph (b).

(6) In addition to the other credits authorized in this section, any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (6).

(7) (a) In addition to the other credits authorized in this section, any company that transfers or relocates its national or regional headquarters to the State of Mississippi from outside the State of Mississippi may receive a tax credit in an amount equal to the actual relocation costs paid by the company. A minimum of twenty (20) jobs must be created in order to qualify for the additional credit authorized under this subsection. Relocation costs for which a credit may be awarded shall be determined by the Department of Revenue and shall include those nondepreciable expenses that are necessary to relocate headquarters employees to the national or regional headquarters, including, but not limited to, costs such as travel expenses for employees and members of

their households to and from Mississippi in search of homes and moving expenses to relocate furnishings, household goods and personal property of the employees and members of their households. Medical cannabis establishments as defined in the Mississippi Medical Cannabis Act shall not be eligible for the tax credit authorized in this subsection (7).

(b) The tax credit authorized under this subsection shall be applied for the taxable year in which the relocation costs are paid. The maximum cumulative amount of tax credits that may be claimed by all taxpayers claiming a credit under this subsection in any one (1) state fiscal year shall not exceed One Million Dollars ($1,000,000.00), exclusive of credits that might be carried forward from previous taxable years. A company may not receive a credit for the relocation of an employee more than one (1) time in a twelve-month period for that employee.

(c) The Department of Revenue shall establish criteria and prescribe procedures to determine if a company creates the required number of jobs and qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. A company desiring to claim a credit under this subsection must submit an application for such credit with the Department of Revenue in a manner prescribed by the department.

(d) In order to participate in the provisions of this section, a company must certify to the Mississippi Department of Revenue that it complies with the equal pay provisions of the

federal Equal Pay Act of 1963, the Americans with Disabilities Act of 1990 and the fair pay provisions of the Civil Rights Act of 1964.

(e) This subsection shall stand repealed on July 1, * * * 2025.

(8) In lieu of the other tax credits provided in this section, any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the percentage of payroll provided in subsection (2), (3) or (4) of this section for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the jobs. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3) and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(9) (a) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for increases in the annual payroll for net new full-time jobs created by business enterprises qualified under this section. The Department of

Revenue shall adjust the credit allowed in the event of payroll fluctuations during the additional five (5) years of credit.

(b) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (5) and (6) of this section and for additional relocation costs paid by companies qualified under subsection (7) of this section. The Department of Revenue shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(10) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding

business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(11) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established and/or headquarters relocation costs paid, as applicable, but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Commissioner of Revenue may extend the period that the credit may be carried forward for a period of time not to exceed two (2) years.

(12) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(13) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(14) As used in this section:

(a) "Business enterprises" means entities primarily engaged in:

(i) Manufacturing, processing, warehousing, warehousing activities, distribution, wholesaling and research and development, or

(ii) Permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise.

(b) "Telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(c) "Warehousing activities" means entities that establish or expand facilities that service and support multiple retail or wholesale locations within and outside the state. Warehousing activities may be performed solely to support the primary activities of the entity, and credits generated shall offset the income of the entity based on an apportioned ratio of payroll for warehouse employees of the entity to total Mississippi payroll of the entity that includes the payroll of retail employees of the entity.

(15) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(16) A business enterprise that chooses to receive job training assistance pursuant to Section 57-1-451 shall not be eligible for the tax credits provided for in this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2818

Description: MS Department of Health and MS Department of Revenue; provide certain exemptions for operation required under Medical Cannabis Act.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/17	(S)	Referred To Public Health and Welfare; Appropriations
2	01/31	(S)	DR - TSDPCS: PH To AP
3	02/01	(S)	Title Suff Do Pass Comm Sub
4	02/10	(S)	Committee Substitute Adopted
5	02/10	(S)	Amended
6	02/10	(S)	Passed As Amended {Vote}
7	02/15	(S)	Transmitted To House
8	02/22	(H)	Referred To Drug Policy; Appropriations
9	02/24	(H)	DR - TSDP: DP To AP
10	03/01	(H)	DR - TSDP: AP To DP
11	03/01	(H)	Title Suff Do Pass
12	03/08	(H)	Read the Third Time
13	03/09	(H)	Amended
14	03/09	(H)	Passed As Amended {Vote}
15	03/10	(H)	Returned For Concurrence
16	03/22	(S)	Concurred in Amend From House {Vote}
17	03/22	(S)	Motion to Reconsider Entered
18	03/23	(S)	Motion to Reconsider Tabled
19	03/24	(S)	Enrolled Bill Signed
20	03/24	(H)	Enrolled Bill Signed
21	03/30		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2818

Code Section: A 025-0009-0107, A 025-0043-0001.103, A 025-0053-0001, A 025-0053-0005, A 027-0104-0007, A 031-0007-0013, A 045-0027-0007, A 045-0027-0012

----- Additional Information -----

Senate Committee: Public Health and Welfare, Appropriations
House Committee: Drug Policy, Appropriations

Principal Author: Parks

Title: AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONNEL EMPLOYED BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE WHOSE EMPLOYMENT IS SOLELY IN CONNECTION WITH EITHER DEPARTMENT'S RESPONSIBILITIES IN IMPLEMENTING, ADMINISTERING AND ENFORCING PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT SHALL BE EXEMPT FROM BEING CONSIDERED AS STATE SERVICE EMPLOYEES FOR PURPOSES OF THE STATE PERSONNEL BOARD; TO SET A DATE OF REPEAL FOR THIS PROVISION; TO AMEND SECTION 25-43-1.103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND/OR ENFORCING THE PROVISIONS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THE MISSISSIPPI MEDICAL CANNABIS ACT, THE MISSISSIPPI STATE DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF REVENUE SHALL BE EXEMPTED FROM THE ADMINISTRATIVE PROCEDURE ACT FROM FEBRUARY 2, 2022, THROUGH JUNE 30, 2023; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THROUGH JUNE 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2095, 2022 REGULAR SESSION, TO PROVIDE THAT THROUGH JUNE 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSONAL OR PROFESSIONAL SERVICE CONTRACT ENTERED INTO BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE SOLELY IN CONNECTION WITH THEIR RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT FROM FEBRUARY 2, 2022, THROUGH JUNE 30, 2023, SHALL BE EXEMPT FROM THE PUBLIC PROCUREMENT REVIEW BOARD; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PURCHASES MADE BY THE DEPARTMENT OF HEALTH AND/OR

THE DEPARTMENT OF REVENUE SOLELY FOR THE PURPOSE OF FULFILLING THEIR RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT TO BE EXEMPT FROM CERTAIN BIDDING REQUIREMENTS; TO AMEND SECTION 45-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY SHALL RETAIN ANY FINGERPRINTS SENT BY THE DEPARTMENT OF HEALTH PURSUANT TO THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 45-27-12, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT AND THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE NEGOTIATE A LIMITATION ON THE LIABILITY OF PROSPECTIVE CONTRACTORS TO THE STATE IN THE NEGOTIATION AND EXECUTION OF ALL INFORMATION TECHNOLOGY CONTRACTS AS NECESSARY UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2818

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Parks

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2818
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONNEL EMPLOYED BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE WHOSE EMPLOYMENT IS SOLELY IN CONNECTION WITH EITHER DEPARTMENT'S RESPONSIBILITIES IN IMPLEMENTING, ADMINISTERING AND ENFORCING PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT SHALL BE EXEMPT FROM BEING CONSIDERED AS STATE SERVICE EMPLOYEES FOR PURPOSES OF THE STATE PERSONNEL BOARD; TO SET A DATE OF REPEAL FOR THIS PROVISION; TO AMEND SECTION 25-43-1.103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND/OR ENFORCING THE PROVISIONS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THE MISSISSIPPI MEDICAL CANNABIS ACT, THE MISSISSIPPI STATE DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF REVENUE SHALL BE EXEMPTED FROM THE ADMINISTRATIVE PROCEDURE ACT FROM FEBRUARY 2, 2022, THROUGH JUNE 30, 2023; TO AMEND SECTION 25-53-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THROUGH JUNE 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL 2095, 2022 REGULAR SESSION, TO PROVIDE THAT THROUGH JUNE 30, 2023, THE PROVISIONS OF THE MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES BID AND CONTRACT REQUIREMENTS SHALL NOT APPLY TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSONAL OR PROFESSIONAL SERVICE CONTRACT ENTERED INTO BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE SOLELY IN CONNECTION WITH THEIR RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT FROM FEBRUARY 2, 2022, THROUGH JUNE 30, 2023, SHALL BE EXEMPT FROM THE

PUBLIC PROCUREMENT REVIEW BOARD; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PURCHASES MADE BY THE DEPARTMENT OF HEALTH AND/OR THE DEPARTMENT OF REVENUE SOLELY FOR THE PURPOSE OF FULFILLING THEIR RESPECTIVE RESPONSIBILITIES UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT TO BE EXEMPT FROM CERTAIN BIDDING REQUIREMENTS; TO AMEND SECTION 45-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY SHALL RETAIN ANY FINGERPRINTS SENT BY THE DEPARTMENT OF HEALTH PURSUANT TO THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AMEND SECTION 45-27-12, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT AND THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE NEGOTIATE A LIMITATION ON THE LIABILITY OF PROSPECTIVE CONTRACTORS TO THE STATE IN THE NEGOTIATION AND EXECUTION OF ALL INFORMATION TECHNOLOGY CONTRACTS AS NECESSARY UNDER THE MISSISSIPPI MEDICAL CANNABIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-9-107, Mississippi Code of 1972, is amended as follows:

25-9-107. The following terms, when used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Board" means the State Personnel Board created under the provisions of this chapter.

(b) "State service" means all employees of state departments, agencies and institutions as defined herein, except those officers and employees excluded by this chapter.

(c) "Nonstate service" means the following officers and employees excluded from the state service by this chapter. The following are excluded from the state service:

(i) Members of the State Legislature, their staff and other employees of the legislative branch;

(ii) The Governor and staff members of the immediate Office of the Governor;

(iii) Justices and judges of the judicial branch or members of appeals boards on a per diem basis;

(iv) The Lieutenant Governor, staff members of the immediate Office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;

(v) Officers and officials elected by popular vote and persons appointed to fill vacancies in elective offices;

(vi) Members of boards and commissioners appointed by the Governor, Lieutenant Governor or the State Legislature;

(vii) All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the Mississippi Community College Board, and community and junior colleges;

(viii) Officers and enlisted members of the National Guard of the state;

(ix) Prisoners, inmates, student or patient help working in or about institutions;

(x) Contract personnel; provided that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the Public Procurement Review Board under Section 27-104-7. Before paying any warrant for such contractual services in excess

of Seventy-five Thousand Dollars ($75,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the Public Procurement Review Board as required by law;

(xi) Part-time employees; provided, however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;

(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30) working days. Emergency appointments may be extended to sixty (60) working days by the State Personnel Board;

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the Auditor;

(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This subparagraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance with the Variable Compensation Plan unless otherwise fixed by statute;

(xvi) The State Personnel Board shall exclude top-level positions if the incumbents determine and publicly advocate substantive program policy and report directly to the agency head, or the incumbents are required to maintain a direct

confidential working relationship with a key excluded official. Provided further, a written job classification shall be approved by the board for each such position, and positions so excluded shall be paid in conformity with the Variable Compensation Plan;

(xvii) Employees whose employment is solely in connection with an agency's contract to produce, store or transport goods, and whose compensation is derived therefrom;

(xviii) Repealed;

(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce;

(xx) Personnel employed by the Mississippi Industries for the Blind; provided that any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry-level compensation and benefits that the agency would provide to a full-time employee of the agency who performs the same services;

(xxi) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets); such personnel shall be paid in accordance with the Colonel Guy Groff State Variable Compensation Plan;

(xxii) Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq.;

(xxiii) The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation; * * *

(xxiv) Employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at a veterans home established by the State Veterans Affairs Board under Section 35-1-19 * * *;

(xxv) Personnel employed by the Mississippi Department of Health whose employment is solely in connection with the Department's responsibilities in implementing, administering and enforcing provisions of the Mississippi Medical Cannabis Act. This subparagraph shall stand repealed on June 30, 2023; and

(xxvi) Personnel employed by the Mississippi Department of Revenue whose employment is solely in connection with the Department's responsibilities in implementing, administering and enforcing provisions of the Mississippi Medical Cannabis Act. This subparagraph shall stand repealed on June 30, 2023.

(d) "Agency" means any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to

appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

SECTION 2. Section 25-43-1.103, Mississippi Code of 1972, is amended as follows:

25-43-1.103. (1) This chapter applies to all agencies and all proceedings not expressly exempted under this chapter.

(2) This chapter creates only procedural rights and imposes only procedural duties. They are in addition to those created and imposed by other statutes.

(3) Specific statutory provisions which govern agency proceedings and which are in conflict with any of the provisions of this chapter shall continue to be applied to all proceedings of any such agency to the extent of such conflict only.

(4) The provisions of this chapter shall not be construed to amend, repeal or supersede the provisions of any other law; and, to the extent that the provisions of any other law conflict or are inconsistent with the provisions of this chapter, the provisions of such other law shall govern and control.

(5) An agency may grant procedural rights to persons in addition to those conferred by this chapter so long as rights conferred upon other persons by any provision of law are not substantially prejudiced.

(6) For the purposes of implementing, administering and/or enforcing the provisions of rules and regulations promulgated

pursuant to the Mississippi Medical Cannabis Act, the Mississippi State Department of Health and the Mississippi Department of Revenue shall be exempted from this chapter from February 2, 2022, through June 30, 2023. This subsection shall stand repealed on June 30, 2023.

SECTION 3. Section 25-53-1, Mississippi Code of 1972, is amended as follows:

25-53-1. The Legislature recognizes that in order for the State of Mississippi to receive the maximum use and benefit from information technology and services now in operation or which will in the future be placed in operation, there should be full cooperation and cohesive planning and effort by and between the several state agencies and that it is the responsibility of the Legislature to provide statutory authority therefor. The Legislature, therefore, declares and determines that for these and other related purposes there is hereby established an agency of state government to be known as the Mississippi Department of Information Technology Services (MDITS). The Legislature further declares that the Mississippi Department of Information Technology Services (MDITS) shall provide statewide services that facilitate cost-effective information processing and telecommunication solutions. State agencies shall work in full cooperation with the board of MDITS to identify opportunities to minimize duplication, reduce costs and improve the efficiency of providing common technology services across agency boundaries. The provisions of

this chapter shall not apply to the Department of Human Services for a period of three (3) years beginning July 1, 2017. The provisions of this chapter shall not apply to the Department of Child Protection Services for a period of three (3) years beginning July 1, 2017. Through June 30, 2023, the provisions of this chapter shall not apply to the Department of Health and the Department of Revenue for the purposes of implementing, administering and enforcing the provisions of the Mississippi Medical Cannabis Act.

SECTION 4. Section 25-53-5, Mississippi Code of 1972, as amended by Senate Bill 2095, 2022 Regular Session, is amended as follows:

25-53-5. The authority shall have the following powers, duties, and responsibilities:

(a) (i) The authority shall provide for the development of plans for the efficient acquisition and utilization of computer equipment and services by all agencies of state government, and provide for their implementation. In so doing, the authority may use the MDITS' staff, at the discretion of the executive director of the authority, or the authority may contract for the services of qualified consulting firms in the field of information technology and utilize the service of such consultants as may be necessary for such purposes. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Human Services for a period of three (3) years

beginning on July 1, 2017. Pursuant to Section 25-53-1, the provisions of this section shall not apply to the Department of Child Protection Services for a period of three (3) years beginning July 1, 2017.

(ii) [Repealed]

(b) The authority shall immediately institute procedures for carrying out the purposes of this chapter and supervise the efficient execution of the powers and duties of the office of executive director of the authority. In the execution of its functions under this chapter, the authority shall maintain as a paramount consideration the successful internal organization and operation of the several agencies so that efficiency existing therein shall not be adversely affected or impaired. In executing its functions in relation to the institutions of higher learning and junior colleges in the state, the authority shall take into consideration the special needs of such institutions in relation to the fields of teaching and scientific research.

(c). Title of whatever nature of all computer equipment now vested in any agency of the State of Mississippi is hereby vested in the authority, and no such equipment shall be disposed of in any manner except in accordance with the direction of the authority or under the provisions of such rules and regulations as may hereafter be adopted by the authority in relation thereto.

(d) The authority shall adopt rules, regulations, and procedures governing the acquisition of computer and

telecommunications equipment and services which shall, to the fullest extent practicable, insure the maximum of competition between all manufacturers of supplies or equipment or services. In the writing of specifications, in the making of contracts relating to the acquisition of such equipment and services, and in the performance of its other duties the authority shall provide for the maximum compatibility of all information systems hereafter installed or utilized by all state agencies and may require the use of common computer languages where necessary to accomplish the purposes of this chapter. The authority may establish by regulation and charge reasonable fees on a nondiscriminatory basis for the furnishing to bidders of copies of bid specifications and other documents issued by the authority.

(e) The authority shall adopt rules and regulations governing the sharing with, or the sale or lease of information technology services to any nonstate agency or person. Such regulations shall provide that any such sharing, sale or lease shall be restricted in that same shall be accomplished only where such services are not readily available otherwise within the state, and then only at a charge to the user not less than the prevailing rate of charge for similar services by private enterprise within this state.

(f) The authority may, in its discretion, establish a special technical advisory committee or committees to study and make recommendations on technology matters within the competence

of the authority as the authority may see fit. Persons serving on the Information Resource Council, its task forces, or any such technical advisory committees shall be entitled to receive their actual and necessary expenses actually incurred in the performance of such duties, together with mileage as provided by law for state employees, provided the same has been authorized by a resolution duly adopted by the authority and entered on its minutes prior to the performance of such duties.

(g) The authority may provide for the development and require the adoption of standardized computer programs and may provide for the dissemination of information to and the establishment of training programs for the personnel of the various information technology centers of state agencies and personnel of the agencies utilizing the services thereof.

(h) The authority shall adopt reasonable rules and regulations requiring the reporting to the authority through the office of executive director of such information as may be required for carrying out the purposes of this chapter and may also establish such reasonable procedures to be followed in the presentation of bills for payment under the terms of all contracts for the acquisition of computer equipment and services now or hereafter in force as may be required by the authority or by the executive director in the execution of their powers and duties.

(i) The authority shall require such adequate documentation of information technology procedures utilized by the

various state agencies and may require the establishment of such organizational structures within state agencies relating to information technology operations as may be necessary to effectuate the purposes of this chapter.

(j) The authority may adopt such further reasonable rules and regulations as may be necessary to fully implement the purposes of this chapter. All rules and regulations adopted by the authority shall be published and disseminated in readily accessible form to all affected state agencies, and to all current suppliers of computer equipment and services to the state, and to all prospective suppliers requesting the same. Such rules and regulations shall be kept current, be periodically revised, and copies thereof shall be available at all times for inspection by the public at reasonable hours in the offices of the authority. Whenever possible no rule, regulation or any proposed amendment to such rules and regulations shall be finally adopted or enforced until copies of the proposed rules and regulations have been furnished to all interested parties for their comment and suggestions.

(k) The authority shall establish rules and regulations which shall provide for the submission of all contracts proposed to be executed by the executive director for computer equipment or services to the authority for approval before final execution, and the authority may provide that such contracts involving the expenditure of less than such specified amount as may be

established by the authority may be finally executed by the executive director without first obtaining such approval by the authority.

(l) The authority is authorized to purchase, lease, or rent computer equipment or services and to operate that equipment and use those services in providing services to one or more state agencies when in its opinion such operation will provide maximum efficiency and economy in the functions of any such agency or agencies.

(m) Upon the request of the governing body of a political subdivision or instrumentality, the authority shall assist the political subdivision or instrumentality in its development of plans for the efficient acquisition and utilization of computer equipment and services. An appropriate fee shall be charged the political subdivision by the authority for such assistance.

(n) The authority shall adopt rules and regulations governing the protest procedures to be followed by any actual or prospective bidder, offerer or contractor who is aggrieved in connection with the solicitation or award of a contract for the acquisition of computer equipment or services. Such rules and regulations shall prescribe the manner, time and procedure for making protests and may provide that a protest not timely filed shall be summarily denied. The authority may require the protesting party, at the time of filing the protest, to post a

bond, payable to the state, in an amount that the authority determines sufficient to cover any expense or loss incurred by the state, the authority or any state agency as a result of the protest if the protest subsequently is determined by a court of competent jurisdiction to have been filed without any substantial basis or reasonable expectation to believe that the protest was meritorious; however, in no event may the amount of the bond required exceed a reasonable estimate of the total project cost. The authority, in its discretion, also may prohibit any prospective bidder, offerer or contractor who is a party to any litigation involving any such contract with the state, the authority or any agency of the state to participate in any other such bid, offer or contract, or to be awarded any such contract, during the pendency of the litigation.

(o) The authority shall make a report in writing to the Legislature each year in the month of January. Such report shall contain a full and detailed account of the work of the authority for the preceding year as specified in Section 25-53-29(3).

All acquisitions of computer equipment and services involving the expenditure of funds in excess of the dollar amount established in Section 31-7-13(c), or rentals or leases in excess of the dollar amount established in Section 31-7-13(c) for the term of the contract, shall be based upon competitive and open specifications, and contracts therefor shall be entered into only after advertisements for bids are published in one or more daily

newspapers having a general circulation in the state not less than fourteen (14) days prior to receiving sealed bids therefor. The authority may reserve the right to reject any or all bids, and if all bids are rejected, the authority may negotiate a contract within the limitations of the specifications so long as the terms of any such negotiated contract are equal to or better than the comparable terms submitted by the lowest and best bidder, and so long as the total cost to the State of Mississippi does not exceed the lowest bid. If the authority accepts one (1) of such bids, it shall be that which is the lowest and best. Through * * * June 30, 2023, the provisions of this paragraph shall not apply to acquisitions of information technology equipment and services made by the Mississippi Department of Health and/or the Mississippi Department of Revenue for the purposes of implementing, administering and/or enforcing the provisions of the Mississippi Medical Cannabis Act.

(p) When applicable, the authority may procure equipment, systems and related services in accordance with the law or regulations, or both, which govern the Bureau of Purchasing of the Office of General Services or which govern the Mississippi Department of Information Technology Services procurement of telecommunications equipment, software and services.

(q) The authority is authorized to purchase, lease, or rent information technology and services for the purpose of establishing pilot projects to investigate emerging technologies.

These acquisitions shall be limited to new technologies and shall be limited to an amount set by annual appropriation of the Legislature. These acquisitions shall be exempt from the advertising and bidding requirement.

(r) All fees collected by the Mississippi Department of Information Technology Services shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature.

(s) The authority shall work closely with the council to bring about effective coordination of policies, standards and procedures relating to procurement of remote sensing and geographic information systems (GIS) resources. In addition, the authority is responsible for development, operation and maintenance of a delivery system infrastructure for geographic information systems data. The authority shall provide a warehouse for Mississippi's geographic information systems data.

(t) The authority shall manage one or more State Data Centers to provide information technology services on a cost-sharing basis. In determining the appropriate services to be provided through the State Data Center, the authority should consider those services that:

(i) Result in savings to the state as a whole;

(ii) Improve and enhance the security and reliability of the state's information and business systems; and

(iii) Optimize the efficient use of the state's information technology assets, including, but not limited to, promoting partnerships with the state institutions of higher learning and community colleges to capitalize on advanced information technology resources.

(u) The authority shall increase federal participation in the cost of the State Data Center to the extent provided by law and its shared technology infrastructure through providing such shared services to agencies that receive federal funds. With regard to state institutions of higher learning and community colleges, the authority may provide shared services when mutually agreeable, following a determination by both the authority and the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, as the case may be, that the sharing of services is mutually beneficial.

(v) The authority, in its discretion, may require new or replacement agency business applications to be hosted at the State Data Center. With regard to state institutions of higher learning and community colleges, the authority and the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, as the case may be, may agree that institutions of higher learning or community colleges may utilize business applications that are hosted at the State Data Center, following a determination by both the authority and the applicable board that the hosting of those applications is

mutually beneficial. In addition, the authority may establish partnerships to capitalize on the advanced technology resources of the Board of Trustees of State Institutions of Higher Learning or the Mississippi Community College Board, following a determination by both the authority and the applicable board that such a partnership is mutually beneficial.

(w) The authority shall provide a periodic update regarding reform-based information technology initiatives to the Chairmen of the House and Senate Accountability, Efficiency and Transparency Committees.

From and after July 1, 2018, the expenses of this agency shall be defrayed by appropriation from the State General Fund. In addition, in order to receive the maximum use and benefit from information technology and services, expenses for the provision of statewide shared services that facilitate cost-effective information processing and telecommunication solutions shall be defrayed by pass-through funding and shall be deposited into the Mississippi Department of Information Technology Services Revolving Fund unless otherwise specified by the Legislature. These funds shall only be utilized to pay the actual costs incurred by the Mississippi Department of Information Technology Services for providing these shared services to state agencies. Furthermore, state agencies shall work in full cooperation with the Board of the Mississippi Department of Information Technology Services to identify computer equipment or services to minimize

duplication, reduce costs, and improve the efficiency of providing common technology services across agency boundaries.

SECTION 5. Section 27-104-7, Mississippi Code of 1972, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of

commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such contracts involving buildings and other facilities of state institutions of higher learning which are self-administered as provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of

the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed

by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, any contract entered into by the Department of Public Safety for service on specialized equipment and/or software required for the operation at such specialized equipment for use by the Office of Forensics Laboratories, any personal or professional service contract entered into by the Mississippi Department of Health and/or the Department of Revenue solely in connection with their respective responsibilities under the Mississippi Medical Cannabis Act from February 2, 2022, through June 30, 2023, and any contract for attorney, accountant, actuary auditor, architect, engineer, anatomical pathologist, utility rate expert services, and any personal service contracts

approved by the Executive Director of the Department of Finance and Administration and entered into by the Coordinator of Mental Health Accessibility through June 30, 2022. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency

involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system;

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of

costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and

5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving

that the personal or professional service is only provided by one (1) source.

3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee;

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as

prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed

personal or professional service contract. If the board responds to the department(s) within seven (7) calendar days, then the board has seven (7) calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal or professional service contract. The board is not authorized to disapprove any proposed personal or professional services contracts. This subsection shall stand repealed on July 1, 2022.

SECTION 6. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over $5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars ($5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars ($5,000.00) or less.

(b) **Bidding procedure for purchases over $5,000.00 but not over $50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars ($5,000.00) but not more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars ($50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or his designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or his designee, constituting a violation of law in accepting any bid without approval by the governing

authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars ($5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over $50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the

county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. Reverse auctions shall be the primary method for receiving bids during the bidding process. If a purchasing entity determines that a reverse auction is not in the best interest of the state, then that determination must be approved by the Public Procurement Review Board. The purchasing entity shall submit a detailed explanation of why a reverse auction would not be in the best interest of the state and present an alternative process to be approved by the Public Procurement Review Board. If the Public Procurement Review Board authorizes the purchasing entity to solicit bids with a method other than reverse auction, then the purchasing entity may designate the other methods by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges and term

contracts as provided in paragraph (n) of this section. The Public Procurement Review Board must approve any contract entered into by alternative process. The provisions of this item 2 shall not apply to the individual state institutions of higher learning.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars ($50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars ($25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting

same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique Internet web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet web page accessible to the public. The Department of Finance and Administration shall promulgate rules

regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid

opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the

board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) **Electronic bids.** Agencies and governing authorities shall provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that shall be an additional bidding option for those bidders who choose to submit their bids electronically. The Department of Finance and

Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids. Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding under this section. Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids required by this section. Agencies or governing authorities that are currently without available high speed Internet access shall be exempt from the requirement of this subparagraph (v) until such time that high speed Internet access becomes available. Any county having a population of less than twenty thousand (20,000) shall be exempt from the provisions of this subparagraph (v). Any municipality having a population of less than ten thousand (10,000) shall be exempt from the provisions of this subparagraph (v). The provisions of this subparagraph (v) shall not require any bidder to submit bids electronically. When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed Fifty Thousand Dollars ($50,000.00), on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance with by including same as an attachment with the electronic bid submittal.

(d) **Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited to, a bidder having a local office and inventory located within

the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant

provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a

lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8).

Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars ($10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or

governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) **Road construction petroleum products price adjustment clause authorization.** Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each

municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) **State agency emergency purchase procedure.** If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable. Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase

or repair without having to comply with competitive bidding requirements.

If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation. Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration. Any contract awarded pursuant to this paragraph (j) shall not exceed a term of one (1) year.

Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology

needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (j).

(k) **Governing authority emergency purchase procedure.** If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority. Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (k).

(l) **Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this paragraph (m). It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the

selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single-source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration. Following the purchase, the executive head of the state agency, or his designees, shall file with the Department of

Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased.

(ix) **Waste disposal facility construction contracts.** Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, videocassette tapes, filmstrips and slides; recorded audiotapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders,

audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons.** Purchases made by the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided

that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (l)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any

municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method of contracting and certain other contracts.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property

or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(xxxvi) **Certain purchases by an academic medical center or health sciences school.** Purchases by an academic medical center or health sciences school, as defined in Section 37-115-50, of commodities that are used for clinical purposes and 1. intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and 2. medical devices, biological, drugs and radiation-emitting devices as defined by the United States Food and Drug Administration.

(xxxvii) **Certain purchases made under the Alyce G. Clarke Mississippi Lottery Law.** Contracts made by the Mississippi Lottery Corporation pursuant to the Alyce G. Clarke Mississippi Lottery Law.

(xxxviii) **Certain purchases made by the Department of Health and the Department of Revenue.** Purchases made by the Department of Health and/or the Department of Revenue solely for the purpose of fulfilling their respective responsibilities under the Mississippi Medical Cannabis Act. This subparagraph shall stand repealed on June 30, 2023.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be

made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for

competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars ($50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for

seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes

of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform

public construction or other public contracts to which this section applies, including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars ($1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 7. Section 45-27-7, Mississippi Code of 1972, is amended as follows:

45-27-7. (1) The Mississippi Justice Information Center shall:

(a) Develop, operate and maintain an information system which will support the collection, storage, retrieval and dissemination of all data described in this chapter, consistent with those principles of scope, security and responsiveness prescribed by this chapter.

(b) Cooperate with all criminal justice agencies within the state in providing those forms, procedures, standards and

related training assistance necessary for the uniform operation of the statewide center.

(c) Offer assistance and, when practicable, instruction to all local law enforcement agencies in establishing efficient local records systems.

(d) Make available, upon request, to all local and state criminal justice agencies, to all federal criminal justice agencies and to criminal justice agencies in other states any information in the files of the center which will aid such agencies in the performance of their official duties. For this purpose the center shall operate on a twenty-four-hour basis, seven (7) days a week. Such information, when authorized by the director of the center, may also be made available to any other agency of this state or any political subdivision thereof and to any federal agency, upon assurance by the agency concerned that the information is to be used for official purposes only in the prevention or detection of crime or the apprehension of criminal offenders.

(e) Cooperate with other agencies of this state, the crime information agencies of other states, and the national crime information center systems of the Federal Bureau of Investigation in developing and conducting an interstate, national and international system of criminal identification and records.

(f) Make available, upon request, to nongovernmental entities or employers certain information for noncriminal justice purposes as specified in Section 45-27-12.

(g) Institute necessary measures in the design, implementation and continued operation of the justice information system to ensure the privacy and security of the system. Such measures shall include establishing complete control over use of and access to the system and restricting its integral resources and facilities and those either possessed or procured and controlled by criminal justice agencies. Such security measures must meet standards developed by the center as well as those set by the nationally operated systems for interstate sharing of information.

(h) Provide data processing for files listing motor vehicle drivers' license numbers, motor vehicle registration numbers, wanted and stolen motor vehicles, outstanding warrants, identifiable stolen property and such other files as may be of general assistance to law enforcement agencies; provided, however, that the purchase, lease, rental or acquisition in any manner of "computer equipment or services," as defined in Section 25-53-3, Mississippi Code of 1972, shall be subject to the approval of the Mississippi Information Technology Services.

(i) Maintain a field coordination and support unit which shall have all the power conferred by law upon any peace officer of this state.

(2) The department, including the investigative division or the center, may:

(a) Obtain and store fingerprints, descriptions, photographs and any other pertinent identifying data from crime scenes and on persons who:

(i) Have been or are hereafter arrested or taken into custody in this state:

1. For an offense which is a felony;

2. For an offense which is a misdemeanor;

3. As a fugitive from justice; or

(ii) Are or become habitual offenders; or

(iii) Are currently or become confined to any prison, penitentiary or other penal institution; or

(iv) Are unidentified human corpses found in the state; or

(v) Have submitted fingerprints for conducting criminal history record checks.

(b) Compare all fingerprint and other identifying data received with that already on file and determine whether or not a criminal record is found for such person, and at once inform the requesting agency or arresting officer of those facts that may be disseminated consistent with applicable security and privacy laws and regulations. A record shall be maintained for a minimum of one (1) year of the dissemination of each individual criminal

history, including at least the date and recipient of such information.

(c) Establish procedures to respond to those individuals who file requests to review their own records, pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in the correction of the central center records and those of contributing agencies when their accuracy has been successfully challenged either through the related contributing agencies or by court order issued on behalf of an individual.

(d) Retain in the system the fingerprints of all law enforcement officers and part-time law enforcement officers, as those terms are defined in Section 45-6-3, any fingerprints sent by the Mississippi State Department of Health, and of all applicants to law enforcement agencies.

(3) There shall be a presumption that a copy of any document submitted to the center in accordance with the provisions of Section 45-27-9 that has been processed as set forth in this chapter and subsequently certified and provided by the center to a law enforcement agency or a court shall be admissible in any proceeding without further authentication unless a person objecting to that admissibility has successfully challenged the document under the provisions of Section 45-27-11.

SECTION 8. Section 45-27-12, Mississippi Code of 1972, is amended as follows:

45-27-12. (1) State conviction information and arrest information which is contained in the center's database or the nonexistence of such information in the center's database shall be made available for the following noncriminal justice purposes:

(a) To any local, state or federal governmental agency that requests the information for the enforcement of a local, state or federal law;

(b) To any individual, nongovernmental entity or any employer authorized either by the subject of record in writing or by state or federal law to receive such information; and

(c) To any federal agency or central repository in another state requesting the information for purposes authorized by law.

(2) Information disseminated for noncriminal justice purposes as specified in this section shall be used only for the purpose for which it was made available and may not be re-disseminated.

(3) No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or organization that would not be eligible to receive the information pursuant to this section.

(4) Upon request for a check pursuant to this section, the nongovernmental entity or employer must provide proper identification and authorization information from the subject of

the record to be checked and adhere to policies established by the center for such record checks.

(5) Any individual or his attorney who is the subject of the record to be checked, upon positive verification of the individual's identity, may request to review the disseminated information and shall follow the procedure set forth in Section 45-27-11. If the individual wishes to correct the record as it appears in the center's system, the person shall follow the procedure set forth in Section 45-27-11. The right of a person to review the person's criminal history record information shall not be used by a prospective employer or others as a means to circumvent procedures or fees for accessing records for noncriminal justice purposes.

(6) The center may impose procedures, including the submission of fingerprints, fees or restrictions, as are reasonably necessary to assure the record's security, to verify the identities of those who seek to inspect them, and to maintain an orderly and efficient mechanism for access. All fees shall be assessed and deposited in accordance with the provisions of Section 45-27-8.

(7) The center shall (a) retain, separate from other division records, personal information, including any fingerprints, sent to it by the Mississippi Department of Health; and (b) notify the Department of Health upon receiving notice that an individual for whom personal information has been retained is

the subject of: (i) a warrant for arrest; (ii) an arrest; (iii) a conviction, including a plea in abeyance; or (iv) a pending diversion agreement.

(8) The center is authorized to implement the Rap-Back criminal history records check system, and the Department of Health is authorized to implement and to utilize the state/federal Rap-Back criminal history system as a method of ongoing monitoring of individuals providing such care to Mississippi's vulnerable population in "covered" entities including prospective designated caregivers and entities named in the Mississippi Medical Cannabis Act and to apply for and provide matching funds in order for Mississippi to receive federal grants to make necessary upgrades to the department's data systems to accommodate Rap-Back capabilities.

(* * *9) Local agencies may release their own agency records according to their own policies.

(* * *10) Release of the above-described information for noncriminal justice purposes shall be made only by the center, under the limitations of this section, and such compiled records will not be released or disclosed for noncriminal justice purposes by other agencies in the state.

SECTION 9. In the negotiation and execution of all information technology contracts as necessary under the Mississippi Medical Cannabis Act, the executive director of the State Department of Health and the executive director of the

Department of Revenue may negotiate a limitation on the liability of prospective contractors to the state, provided that such limitation affords the state reasonable protection.

SECTION 10. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2831

Description: Taxation of Remote and internet-based Computer Software Products and Services Study Committee; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/17	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass Comm Sub
3	02/09	(S) Committee Substitute Adopted
4	02/09	(S) Passed {Vote}
5	02/10	(S) Transmitted To House
6	02/10	(H) Referred To Ways and Means
7	03/01	(H) Title Suff Do Pass As Amended
8	03/08	(H) Amended
9	03/08	(H) Passed As Amended {Vote}
10	03/09	(H) Returned For Concurrence
11	03/16	(S) Concurred in Amend From House {Vote}
12	03/22	(S) Enrolled Bill Signed
13	03/22	(H) Enrolled Bill Signed
14	03/28	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2831

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO CREATE THE TAXATION OF REMOTE AND INTERNET-BASED COMPUTER SOFTWARE PRODUCTS AND SERVICES STUDY COMMITTEE TO EXAMINE AND DEVELOP RECOMMENDATIONS REGARDING THE TAXATION OF REMOTE AND INTERNET-BASED COMPUTER SOFTWARE

PRODUCTS AND SERVICES UNDER THE MISSISSIPPI SALES TAX LAW AND THE MISSISSIPPI USE TAX LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2831
(As Sent to Governor)

AN ACT TO CREATE THE TAXATION OF REMOTE AND INTERNET-BASED COMPUTER SOFTWARE PRODUCTS AND SERVICES STUDY COMMITTEE TO EXAMINE AND DEVELOP RECOMMENDATIONS REGARDING THE TAXATION OF REMOTE AND INTERNET-BASED COMPUTER SOFTWARE PRODUCTS AND SERVICES UNDER THE MISSISSIPPI SALES TAX LAW AND THE MISSISSIPPI USE TAX LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created the Taxation of Remote and internet-based Computer Software Products and Services Study Committee to examine and develop recommendations regarding the taxation of remote and internet-based computer software products and services under the Mississippi Sales Tax Law and the Mississippi Use Tax Law.

(2) The study committee shall, at a minimum, study and report to the Legislature not later than October 1, 2022, the committee's findings regarding the taxation of remote and the internet-based computer software products and services under the Mississippi Sales Tax Law and the Mississippi Use Tax Law and the committee's recommendations for which of such products and services should be taxable and the manner in which the products

and services should be taxed. The study committee shall provide the provisions of the current Mississippi law that will need to be amended to adopt the measures described in this section and any other measures recommended by the committee.

(3) The committee shall be composed of the following members:

(a) The Commissioner of the Mississippi Department of Revenue, or his/her designee;

(b) The Chief Executive Officer of the Mississippi Association of Realtors, or his/her designee;

(c) The Executive Director of the Business and Industry Political Education Committee (BIPEC), or his/her designee;

(d) The President of the Mississippi Manufacturers Association, or his/her designee; and

(e) The President of the Mississippi Bankers Association, or his/her designee.

(4) At the first meeting, the study committee shall elect from among its membership a chairman, a vice chairman and any other officers determined to be necessary, and shall adopt rules for transacting business and keeping records.

(5) A majority of the members of the study committee shall constitute a quorum. In the adoption of rules, resolutions and reports, and in the election of a chairman, vice chairman and any other officers determined to be necessary, an affirmative vote of a majority of the members present shall be required.

(6) The Mississippi Department of Revenue shall provide the staff and other support necessary for the study committee to perform its duties.

(7) To effectuate the purposes of this act, any department, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the chairman of the study committee, provide the facilities, assistance, information and data needed to enable the study committee to carry out its duties.

(8) Upon the submission of its report to the Legislature, the study committee shall be dissolved.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2022 Regular Session

Senate Bill 2841

Description: State Bond Commission; exend reverter on authority to determine appropriate method for the sale of bonds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass
3	02/07	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/09	(H) Referred To Ways and Means
6	03/01	(H) Title Suff Do Pass As Amended
7	03/08	(H) Amended
8	03/08	(H) Passed As Amended {Vote}
9	03/09	(H) Returned For Concurrence
10	03/17	(S) Concurred in Amend From House {Vote}
11	03/21	(S) Enrolled Bill Signed
12	03/21	(H) Enrolled Bill Signed
13	03/26	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2841

Code Section: A 057-0075-0015

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, WHICH SETS OUT THE POWERS AND DUTIES OF THE STATE BOND COMMISSION, TO EXTEND THE REVERTER ON THE PROVISION OF LAW GRANTING THE STATE BOND COMMISSION THE AUTHORITY TO DETERMINE THE APPROPRIATE

METHOD FOR THE SALE OF BONDS, INCLUDING THE NEGOTIATION OF THE SALE OF BONDS AS AN ALTERNATIVE TO THE ISSUANCE AND SALE BONDS ON SEALED BIDS AT PUBLIC SALE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2841
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, WHICH SETS OUT THE POWERS AND DUTIES OF THE STATE BOND COMMISSION, TO EXTEND THE REVERTER ON THE PROVISION OF LAW GRANTING THE STATE BOND COMMISSION THE AUTHORITY TO DETERMINE THE APPROPRIATE METHOD FOR THE SALE OF BONDS, INCLUDING THE NEGOTIATION OF THE SALE OF BONDS AS AN ALTERNATIVE TO THE ISSUANCE AND SALE BONDS ON SEALED BIDS AT PUBLIC SALE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-75-15, Mississippi Code of 1972, is amended as follows:

[Through June 30, * * * 2025, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter, from time to time,

declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars ($67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Seventy-seven Million Dollars ($77,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section

57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars ($10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars ($351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars ($12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities

related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars ($38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars ($4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars ($33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds

shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars ($2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars ($3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars ($24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars ($2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed Five Hundred Thousand Dollars ($500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars ($10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars ($3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars ($96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars ($15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars ($23,000,000.00). No bonds shall be issued under this paragraph after April 25, 2013.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars ($293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars ($30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars ($48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars ($88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars ($13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars ($25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed

Thirty-five Million One Hundred Thousand Dollars ($35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars ($50,000,000.00). No bonds shall be issued under this paragraph after April 25, 2013.

(aa) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxviii) shall not exceed One Hundred Thirty Million Dollars ($130,000,000.00). No bonds shall be issued under this paragraph after July 1, 2023.

(bb) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxix) shall not exceed Two Hundred Sixty-three Million Dollars ($263,000,000.00). No bonds shall be issued under this paragraph after July 1, 2034.

(cc) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxx) shall not exceed Eleven Million Dollars ($11,000,000.00). No bonds shall be issued under this paragraph after July 1, 2025.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project

located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section

57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b) * * * and (c) * * * of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants and loans for projects as authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss);

(xxii) Providing grants and loans as authorized in Section 57-75-11(tt); and

(xxiii) Providing grants as authorized in Section 57-75-11(ww) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate.

Such bonds shall be issued, from time to time, and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars ($300,000.00) in the aggregate.

Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars ($100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to the project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which

reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project.

(ii) Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to the project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration

privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to

and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson, Mississippi, selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the option of the state, may be called in for payment and redemption

at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this

section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of

issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other

political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall

determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars ($500,000.00) at any one time.

[From and after July 1, * * * 2025, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or

more series for the purposes herein set out. Upon such notification, the authority may thereafter, from time to time, declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars ($67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Seventy-seven Million Dollars ($77,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the

purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Ten Million Dollars ($10,000,000.00). No bonds shall be issued under this paragraph after December 31, 1996.

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Three Hundred Fifty-one Million Dollars ($351,000,000.00). An additional amount of bonds in an amount not to exceed Twelve Million Five Hundred Thousand Dollars ($12,500,000.00) may be issued under the authority of this section for the purpose of defraying costs associated with the construction of surface water transmission lines for a project defined in Section 57-75-5(f)(iv) or for any facility related to the project. No bonds shall be issued under this paragraph after June 30, 2005.

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars ($38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2006.

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars ($4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

(j) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xii) shall not exceed Thirty-three Million Dollars ($33,000,000.00). The amount of bonds that may be issued under this paragraph for projects defined

in Section 57-75-5(f)(xii) may be reduced by the amount of any federal or local funds made available for such projects. No bonds shall be issued under this paragraph until local governments in or near the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Five Hundred Thousand Dollars ($2,500,000.00) in the aggregate; however, this irrevocable commitment requirement may be waived by the authority upon a finding that due to the unforeseen circumstances created by Hurricane Katrina, the local governments are unable to comply with such commitment. No bonds shall be issued under this paragraph after June 30, 2008.

(k) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiii) shall not exceed Three Million Dollars ($3,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars ($24,000,000.00). No bonds shall be issued under this paragraph until local governments in the county in which the project is located have irrevocably committed funds to the project in an amount of not less than Two Million Dollars ($2,000,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(m) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xv) shall not exceed

Five Hundred Thousand Dollars ($500,000.00). No bonds shall be issued under this paragraph after June 30, 2009.

(n) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvi) shall not exceed Ten Million Dollars ($10,000,000.00). No bonds shall be issued under this paragraph after June 30, 2011.

(o) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xvii) shall not exceed Three Million Five Hundred Thousand Dollars ($3,500,000.00). No bonds shall be issued under this paragraph after June 30, 2010.

(p) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xviii) shall not exceed Ninety-six Million Dollars ($96,000,000.00). No bonds shall be issued under this paragraph after June 30, 2016.

(q) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xix) shall not exceed Fifteen Million Dollars ($15,000,000.00). No bonds shall be issued under this paragraph after June 30, 2012.

(r) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xx) shall not exceed Twenty-three Million Dollars ($23,000,000.00). No bonds shall be issued under this paragraph after April 25, 2013.

(s) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxi) shall not exceed Two Hundred Ninety-three Million Nine Hundred Thousand Dollars

($293,900,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(t) Bonds issued under the authority of this section for Tier One suppliers shall not exceed Thirty Million Dollars ($30,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars ($48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars ($88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars ($13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

(x) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxv) shall not exceed Twenty-five Million Dollars ($25,000,000.00). No bonds shall be issued under this paragraph after July 1, 2017.

(y) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvi) shall not exceed Thirty-five Million One Hundred Thousand Dollars ($35,100,000.00). No bonds shall be issued under this paragraph after July 1, 2021.

(z) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxvii) shall not exceed Fifty Million Dollars ($50,000,000.00). No bonds shall be issued under this paragraph after April 25, 2013.

(aa) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxviii) shall not exceed One Hundred Thirty Million Dollars ($130,000,000.00). No bonds shall be issued under this paragraph after July 1, 2023.

(bb) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxix) shall not exceed Two Hundred Sixty-three Million Dollars ($263,000,000.00). No bonds shall be issued under this paragraph after July 1, 2034.

(cc) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxx) shall not exceed Eleven Million Dollars ($11,000,000.00). No bonds shall be issued under this paragraph after July 1, 2025.

(4) (a) The proceeds from the sale of the bonds issued under this section may be applied for the following purposes:

(i) Defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement,

relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies;

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;

(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;

(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

(vii) Providing for the payment of interest on the bonds;

(viii) Providing debt service reserves;

(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;

(x) For purposes authorized in paragraphs (b) * * * and (c) * * * of this subsection (4);

(xi) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(v), or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xii) Providing grant funds or loans to a public agency or an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(ii);

(xiii) Providing grant funds or loans to an enterprise owning, leasing or operating a project defined in Section 57-75-5(f)(xiv);

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii);

(xv) Purchasing equipment for a project defined in Section 57-75-5(f)(viii) subject to such terms and conditions as the authority considers necessary and appropriate;

(xvi) Providing grant funds to an enterprise developing or owning a project defined in Section 57-75-5(f)(xx);

(xvii) Providing grants and loans for projects as authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in connection with a facility related to such a project, for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xviii) Providing grants for projects as authorized in Section 57-75-11(pp) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate;

(xix) Providing grants and loans for projects as authorized in Section 57-75-11(qq);

(xx) Providing grants for projects as authorized in Section 57-75-11(rr);

(xxi) Providing grants, loans and payments as authorized in Section 57-75-11(ss);

(xxii) Providing loans as authorized in Section 57-75-11(tt); and

(xxiii) Providing grants as authorized in Section 57-75-11(ww) for any purposes deemed by the authority in its sole discretion to be necessary and appropriate.

Such bonds shall be issued, from time to time, and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(b) (i) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b)(i) shall not exceed Three Hundred Thousand Dollars ($300,000.00) in the aggregate.

Reimbursements under this paragraph (b)(i) shall satisfy any applicable federal tax law requirements.

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars ($100,000.00) in the aggregate. Reimbursements under this paragraph (b)(ii) shall satisfy any applicable federal tax law requirements.

(c) (i) Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to the project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which

reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project.

(ii) Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to the project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration

privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to

and need not comply with the provisions of the Uniform Commercial Code.

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds on sealed bids at public sale, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson, Mississippi, selected by the State Bond Commission.

The State Bond Commission, when issuing any bonds under the authority of this section, may provide that the bonds, at the

option of the state, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the

issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes. No note shall mature more than three (3) years following the date of its issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a

fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the State Bond Attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) Any bonds or interim notes issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other

political subdivisions thereof for the purpose of securing the deposit of public funds.

(15) The Attorney General of the State of Mississippi shall represent the State Bond Commission in issuing, selling and validating bonds herein provided for, and the Bond Commission is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

(16) There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

(17) (a) There is hereby created the Mississippi Economic Impact Authority Sinking Fund from which the principal of and interest on such bonds shall be paid by appropriation. All monies paid into the sinking fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

(d) Any monies repaid to the state from loans authorized in Section 57-75-11(hh) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund unless the State Bond Commission, at the request of the authority, shall

determine that such loan repayments are needed to provide additional loans as authorized under Section 57-75-11(hh). For purposes of providing additional loans, there is hereby created the Mississippi Major Economic Impact Authority Revolving Loan Fund and loan repayments shall be deposited into the fund. The fund shall be maintained for such period as determined by the State Bond Commission for the sole purpose of making additional loans as authorized by Section 57-75-11(hh). Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

(e) Any monies repaid to the state from loans authorized in Section 57-75-11(ii) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(f) Any monies repaid to the state from loans authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall be deposited into the Mississippi Major Economic Impact Authority Sinking Fund.

(18) (a) Upon receipt of a declaration by the authority that it has determined that the state is a potential site for a project, the State Bond Commission is authorized and directed to authorize the State Treasurer to borrow money from any special fund in the State Treasury not otherwise appropriated to be utilized by the authority for the purposes provided for in this subsection.

(b) The proceeds of the money borrowed under this subsection may be utilized by the authority for the purpose of defraying all or a portion of the costs incurred by the authority with respect to acquisition options and planning, design and environmental impact studies with respect to a project defined in Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority may escalate its budget and expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.

(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars ($500,000.00) at any one time.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2846

Description: Mississippi Business Finance Corporation; extend repeal date on authority to issue bonds to finance economic development projects.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Finance
2	01/27	(S) Title Suff Do Pass
3	02/02	(S) Passed {Vote}
4	02/03	(S) Transmitted To House
5	02/03	(H) Referred To Ways and Means
6	03/01	(H) Title Suff Do Pass As Amended
7	03/08	(H) Amended
8	03/08	(H) Passed As Amended {Vote}
9	03/09	(H) Returned For Concurrence
10	03/17	(S) Concurred in Amend From House {Vote}
11	03/21	(S) Enrolled Bill Signed
12	03/21	(H) Enrolled Bill Signed
13	03/26	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2846

Code Section: RA 057-0010-0401, R 057-0010-0403, R 057-0010-0405, R 057-0010-0407, R 057-0010-0409, R 057-0010-0411, R 057-0010-0413, R 057-0010-0415, R 057-0010-0417, R 057-0010-0419, R 057-0010-0421, R 057-0010-0423, R 057-0010-0425, R 057-0010-0427, R 057-0010-0429, R 057-0010-0431, R 057-0010-0433, R 057-0010-0435, R 057-0010-0437, R 057-0010-0439, R 057-0010-0441, R 057-0010-0443, R 057-0010-0445, R 057-0010-0447, R 027-0007-0022.3, A 057-0010-0449

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO REENACT SECTIONS 57-10-401 THROUGH 57-10-447, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ISSUANCE OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO AMEND REENACTED SECTION 57-10-401, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO CONFORM TO AMENDMENTS MADE TO THAT SECTION BY SENATE BILL NO. 2095, 2022 REGULAR SESSION; TO REENACT SECTION 27-7-22.3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A CREDIT AGAINST STATE INCOME TAXES FOR CERTAIN COMPANIES FOR DEBT SERVICE PAID BY SUCH COMPANIES UNDER FINANCING AGREEMENTS ENTERED INTO WITH THE MISSISSIPPI BUSINESS FINANCE CORPORATION UNDER SECTION 57-10-409; TO AMEND SECTION 57-10-449, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL OCTOBER 1, 2025, THE REPEAL DATE ON SECTIONS 57-10-401 THROUGH 57-10-447 AND SECTION 27-7-22.3; AND FOR RELATED PURPOSES.

2022 GENERAL LAWS OF MISSISSIPPI SB 2846

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2846
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 57-10-401 THROUGH 57-10-447, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ISSUANCE OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO AMEND REENACTED SECTION 57-10-401, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022 REGULAR SESSION, TO CONFORM TO AMENDMENTS MADE TO THAT SECTION BY SENATE BILL NO. 2095, 2022 REGULAR SESSION; TO REENACT SECTION 27-7-22.3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A CREDIT AGAINST STATE INCOME TAXES FOR CERTAIN COMPANIES FOR DEBT SERVICE PAID BY SUCH COMPANIES UNDER FINANCING AGREEMENTS ENTERED INTO WITH THE MISSISSIPPI BUSINESS FINANCE CORPORATION UNDER SECTION 57-10-409; TO AMEND SECTION 57-10-449, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL OCTOBER 1, 2025, THE REPEAL DATE ON SECTIONS 57-10-401 THROUGH 57-10-447 AND SECTION 27-7-22.3; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-10-401, Mississippi Code of 1972, as amended by Senate Bill No. 2095, 2022 Regular Session, is reenacted and amended as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

(i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction and installation of an economic development project;

(ii) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(iv) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of an economic development project;

(v) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in connection with the issuance of bonds pursuant to Sections 57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the Mississippi Small Enterprise Development Finance Act; and

(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.

(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and

inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution or warehouse facilities on the real estate, for lease or financial arrangement by the corporation to an approved company for use and occupancy by the approved company or its affiliates for manufacturing, telecommunications, data processing, distribution or warehouse purposes. Such term also includes, without limitation, any project the financing of which has been approved under the Mississippi Small Enterprise Development Finance Act. From and after January 1, 2014, such term also includes the economic development project of a related approved company that is merged into or consolidated with another approved company where the approved companies are engaged in a vertically integrated manufacturing or warehouse operation.

(g) "Eligible company" means any corporation, partnership, sole proprietorship, business trust, or other entity which is:

(i) Engaged in manufacturing which meets the standards promulgated by the corporation under Sections 57-10-401 through 57-10-445;

(ii) A private company approved by the corporation for a loan under the Mississippi Small Enterprise Development Finance Act;

(iii) A distribution or warehouse facility employing a minimum of fifty (50) people or employing a minimum of twenty (20) people and having a capital investment in such facility of at least Five Million Dollars ($5,000,000.00); or

(iv) A telecommunications or data processing business.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the

Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.

(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.

(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

(i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in

connection with the acquisition, construction and installation of an economic development project;

(ii) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(iv) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of an economic development project;

(v) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in connection with the issuance of bonds pursuant to Sections 57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the Mississippi Small Enterprise Development Finance Act; and

(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.

(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution

or warehouse facilities on the real estate, for lease or financial arrangement by the corporation to an approved company for use and occupancy by the approved company or its affiliates for manufacturing, telecommunications, data processing, distribution or warehouse purposes. Such term also includes, without limitation, any project the financing of which has been approved under the Mississippi Small Enterprise Development Finance Act.

If an eligible company closes a facility in this state and becomes an approved company under the provisions of Sections 57-10-401 through 57-10-449, only that portion of the project for which such company is attempting to obtain financing that is in excess of the value of the closed facility shall be included within the definition of the term "economic development project." The Mississippi Business Finance Corporation shall promulgate rules and regulations to govern the determination of the difference between the value of the closed facility and the new facility.

(g) "Eligible company" means any corporation, partnership, sole proprietorship, business trust, or other entity which:

(i) Engaged in manufacturing which meets the standards promulgated by the corporation under Sections 57-10-401 through 57-10-445;

(ii) A private company approved by the corporation for a loan under the Mississippi Small Enterprise Development Finance Act;

(iii) A distribution or warehouse facility employing a minimum of fifty (50) people or employing a minimum of twenty (20) people and having a capital investment in such facility of at least Five Million Dollars ($5,000,000.00);

(iv) A telecommunications or data/information processing business meeting criteria established by the Mississippi Business Finance Corporation;

(v) National or regional headquarters meeting criteria established by the Mississippi Business Finance Corporation;

(vi) Research and development facilities meeting criteria established by the Mississippi Business Finance Corporation; or

(vii) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Business Finance Corporation.

The term "eligible company" does not include any medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.

(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.

(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

SECTION 2. Section 57-10-403, Mississippi Code of 1972, is reenacted as follows:

57-10-403. (1) The Legislature finds and declares that the general welfare and material well-being of citizens of the state depend in large measure upon the development and growth of industry in the state.

(2) The Legislature finds and declares further that it is in the best interest of the state to induce the location or expansion of manufacturing facilities within this state in order to advance the public purposes of relieving unemployment by creating new jobs within this state that, but for the inducements to be offered by the corporation to approved companies as herein provided, would not exist, and of creating new sources of tax revenues for the support of the public services provided by this state and country.

(3) The Legislature finds and declares further that the authority granted by this article and the purposes to be accomplished hereby are proper governmental and public purposes for which public monies may be expended, and that the inducement of the location or expansion of manufacturing facilities within the state is of paramount importance, mandating that the provisions of this article be liberally construed and applied in order to advance the public purposes.

SECTION 3. Section 57-10-405, Mississippi Code of 1972, is reenacted as follows:

57-10-405. In addition to its other powers and duties, the corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of Sections

57-10-401 through 57-10-445, including, but without limiting the generality of the foregoing, the power:

(a) To provide and finance economic development projects under the provisions of Sections 57-10-401 through 57-10-445, and cooperate with counties, municipalities and eligible companies in order to promote, foster and support economic development within the counties and municipalities;

(b) To conduct hearings and inquiries, in the manner and by the methods as it deems desirable, including, without limitation, appointment of special committees, for the purpose of gathering information with respect to counties, municipalities, eligible companies and economic development projects, for the purpose of making any determinations necessary or desirable in the furtherance of Sections 57-10-401 through 57-10-445;

(c) To negotiate the terms of, and enter into financing agreements with, approved companies, and in connection therewith to acquire, convey, sell, own, lease, mortgage, finance, foreclose or otherwise dispose of any property, real or personal, in connection with an economic development project, and to pay, or cause to be paid, in accordance with the provisions of a financing agreement, the approved costs of an economic development project from any funds available therefor, including, without limitation, funds available as the result of the issuance of bonds under the Mississippi Small Enterprise Development Finance Act;

(d) To delegate to the executive director the rights and powers of the corporation required for the proper and desirable execution of the purposes of this article;

(e) To consent, if it deems it necessary or desirable in the fulfillment of its purposes, to the modification of the terms of any financing agreements of any kind to which the corporation is a party;

(f) To include in any borrowing the amounts deemed necessary by the corporation to pay financing charges, consultant, advisory and legal fees, fees for bond insurance, letters of credit or other forms of credit enhancement, investment advisory fees, trustees' fees and other expenses necessary or incident to the borrowing;

(g) To make and publish administrative regulations respecting its programs and other administrative regulations necessary or appropriate to effectuate the purposes of Sections 57-10-401 through 57-10-445, and necessary to administer the procedures and program as provided for in Sections 57-10-401 through 57-10-445;

(h) To make, execute and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, or other organization or entity, necessary or appropriate to accomplish the purposes of Sections 57-10-401 through 57-10-445, including any financing agreements with state agencies or any political

subdivisions of the state under which funds may be pledged by or to the corporation for the payment of its bonds;

(i) To accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source and to agree to, and to comply with, conditions attached thereto;

(j) To sue and be sued in its own name, plead and be impleaded; and

(k) To invest any funds held by the corporation or its agents or trustees, under Sections 57-10-401 through 57-10-445, including, but not limited to, the proceeds of bonds issued under Sections 57-10-401 through 57-10-445, reserve or other funds, or any monies not required for immediate disbursement, and the investment income on any of the foregoing, in obligations authorized by Sections 57-10-401 through 57-10-445.

SECTION 4. Section 57-10-407, Mississippi Code of 1972, is reenacted as follows:

57-10-407. The corporation may accept and expend: (a) monies which may be appropriated from time to time by the Legislature; (b) monies which may be available under the Mississippi Small Enterprise Development Finance Act; or (c) monies which may be received from any source, including income from the corporation's operations, under Sections 57-10-401 through 57-10-445, for effectuating the purposes of Sections 57-10-401 through 57-10-445, including, without limitation, the

payment of the expenses of administration and operation incurred pursuant to Sections 57-10-401 through 57-10-445 and the establishment and, if deemed desirable, maintenance of a reserve or contingency fund for the administration of Sections 57-10-401 through 57-10-445.

SECTION 5. Section 57-10-409, Mississippi Code of 1972, is reenacted as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the corporation and the approved company, except that each financing agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection with an economic development project, the term of the financing agreement shall not be less than the last maturity of the bonds issued with respect to the economic development project, except that the financing agreement may terminate upon the earlier redemption of all of the bonds issued with respect to the economic development project and may grant to the approved company an option to purchase the economic development project from the

corporation upon the termination of the financing agreement for such consideration and under such terms and conditions the corporation may approve. Nothing in this paragraph shall limit the extension of the term of a financing agreement if there is a refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection with an economic development project, the financing agreement shall specify that the annual obligations of the approved company under Sections 57-10-401 through 57-10-445 shall equal in each year at least the annual debt service for that year on the bonds issued with respect to the economic development project; and the approved company shall pay such obligation of the financing agreement to the trustee for bonds issued for the benefit of the approved company, at such time and in such amounts sufficient to amortize such bonds.

(c) If the corporation loans funds to an approved company that is a private company under the Mississippi Small Enterprise Development Finance Act, the financing agreement shall include the terms and conditions of the loan required by Section 57-71-1 et seq.

(d) (i) In consideration for financing agreement payment, the approved company may be permitted the following during the period of time in which the financing agreement is in effect, not to exceed twenty-five (25) years:

1. A tax credit on the amount provided for in Section 27-7-22.3(2), Mississippi Code of 1972; plus

2. The aggregate assessment withheld by the approved company in each year.

(ii) The income tax credited to the approved company referred to herein shall be credited in the fiscal year of the financing agreement in which the tax return of the approved company is filed. The approved company shall not be required to pay estimated tax payments under Section 27-7-319, Mississippi Code of 1972.

(e) (i) The financing agreement shall provide that the assessments, when added to the credit for the state corporate income tax herein granted, shall not exceed the total financing agreement annual payment by the approved company in any year; however, to the extent that financing agreement annual payments exceed credits received and assessments collected in any year, the excess payment may be recouped from excess credits or assessment collections in succeeding years.

(ii) If during any fiscal year of the financing agreement the total of the income tax credit granted to the approved company plus the assessment collected from the wages of the employees equals the annual payment pursuant to the financing agreement, and if all excess payments pursuant to the financing agreement accumulated in prior years have been recouped, the

assessment collected from the wages of the employees shall cease for the remainder of the fiscal year of the financing agreement.

(f) The financing agreement shall provide that:

(i) It may be assigned by the approved company only upon the prior written consent of the corporation following the adoption of a resolution by the corporation to such effect; and

(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, but has issued bonds for such project prior to July 1, 1997, or in cases involving an economic development project which has been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the corporation and the approved company, except that each financing agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection with an economic development project, the term of the financing agreement shall not be less than the last maturity of the bonds issued with respect to the economic development project, except that the financing agreement may terminate upon the earlier redemption of all of the bonds issued with respect to the economic development project and may grant to the approved company an option to purchase the economic development project from the corporation upon the termination of the financing agreement for such consideration and under such terms and conditions the corporation may approve. Nothing in this paragraph shall limit the extension of the term of a financing agreement if there is a refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection with an economic development project, the financing agreement shall specify that the annual obligations of the approved company under Sections 57-10-401 through 57-10-445 shall equal in each year at least the annual debt service for that year on the bonds issued with respect to the economic development project; and the

approved company shall pay such obligation of the financing agreement to the trustee for bonds issued for the benefit of the approved company, at such time and in such amounts sufficient to amortize such bonds.

(c) If the corporation loans funds to an approved company that is a private company under the Mississippi Small Enterprise Development Finance Act, the financing agreement shall include the terms and conditions of the loan required by Section 57-71-1 et seq.

(d) (i) In consideration for financing agreement payment, the approved company may be permitted the following during the period of time in which the financing agreement is in effect, not to exceed twenty-five (25) years:

1. A tax credit on the amount provided for in Section 27-7-22.3(2), Mississippi Code of 1972; plus

2. The aggregate assessment withheld by the approved company in each year.

(ii) The income tax credited to the approved company referred to herein shall be credited in the fiscal year of the financing agreement in which the tax return of the approved company is filed. The approved company shall not be required to pay estimated tax payments under Section 27-7-319, Mississippi Code of 1972.

(e) (i) The financing agreement shall provide that the assessments, when added to the credit for the state corporate

income tax herein granted, shall not exceed the total financing agreement annual payment by the approved company in any year; however, to the extent that financing agreement annual payments exceed credits received and assessments collected in any year, the excess payment may be recouped from excess credits or assessment collections in succeeding years not to exceed three (3) years following the termination of the period of time during which the financing agreement is in effect.

(ii) If during any fiscal year of the financing agreement the total of the income tax credit granted to the approved company plus the assessment collected from the wages of the employees equals the annual payment pursuant to the financing agreement, and if all excess payments pursuant to the financing agreement accumulated in prior years have been recouped, the assessment collected from the wages of the employees shall cease for the remainder of the fiscal year of the financing agreement.

(f) The financing agreement shall provide that:

(i) It may be assigned by the approved company only upon the prior written consent of the corporation following the adoption of a resolution by the corporation to such effect; and

(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that

are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1997, or in cases involving an economic development project which has not been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the corporation and the approved company, except that each financing agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection with an economic development project, the term of the financing agreement shall not be less than the last maturity of the bonds issued with respect to the economic development project, except that the financing agreement may terminate upon the earlier redemption of all of the bonds issued with respect to the economic

development project and may grant to the approved company an option to purchase the economic development project from the corporation upon the termination of the financing agreement for such consideration and under such terms and conditions the corporation may approve. Nothing in this paragraph shall limit the extension of the term of a financing agreement if there is a refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection with an economic development project, the financing agreement shall specify that the annual obligations of the approved company under Sections 57-10-401 through 57-10-445 shall equal in each year at least the annual debt service for that year on the bonds issued with respect to the economic development project; and the approved company shall pay such obligation of the financing agreement to the trustee for bonds issued for the benefit of the approved company, at such time and in such amounts sufficient to amortize such bonds.

(c) If the corporation loans funds to an approved company that is a private company under the Mississippi Small Enterprise Development Finance Act, the financing agreement shall include the terms and conditions of the loan required by Section 57-71-1 et seq.

(d) (i) In consideration for financing agreement payment, the approved company may be permitted a tax credit on the amount provided for in Section 27-7-22.3(2), Mississippi Code of

1972, during the period of time in which the financing agreement is in effect, not to exceed twenty-five (25) years.

(ii) The income tax credited to the approved company referred to herein shall be credited in the fiscal year of the financing agreement in which the tax return of the approved company is filed. The approved company shall not be required to pay estimated tax payments under Section 27-7-319, Mississippi Code of 1972.

(e) The financing agreement shall provide that:

(i) It may be assigned by the approved company only upon the prior written consent of the corporation following the adoption of a resolution by the corporation to such effect; and

(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.

SECTION 6. Section 57-10-411, Mississippi Code of 1972, is reenacted as follows:

57-10-411. Ninety (90) days after the filing of the tax return of the approved company, the Department of Revenue shall certify to the corporation the state income tax liability for the preceding year of each approved company with respect to an economic development project financed under Sections 57-10-401 through 57-10-445, and the amounts of any tax credits taken under Sections 57-10-401 through 57-10-445.

SECTION 7. Section 57-10-413, Mississippi Code of 1972, is reenacted as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-413. (1) The approved company may require that each employee whose gross wages are equivalent to Five Dollars ($5.00) or more per hour, as a condition of employment, agrees to pay a job development assessment fee not to exceed a certain percentage of the gross wages of each such employee whose job was created as a result of the economic development project, for the purpose of retiring the bonds which fund the economic development project or other indebtedness. The job development assessment fee shall not exceed the following percentages of the gross wages of the employee:

(a) Two percent (2%), if the gross wages of the employee are equivalent to Five Dollars ($5.00) or more per hour but less than Seven Dollars ($7.00) per hour;

(b) Four percent (4%), if the gross wages of the employee are equivalent to Seven Dollars ($7.00) or more per hour but less than Nine Dollars ($9.00) per hour; and

(c) Six percent (6%), if the gross wages of the employee are equivalent to Nine Dollars ($9.00) or more per hour.

(2) Each employee so assessed shall be entitled to credits against Mississippi income taxes as provided in Section 27-7-22.3.

(3) If an approved company shall elect to impose the assessment as a condition of employment, it shall deduct the assessment from each paycheck of each employee.

(4) Any approved company collecting an assessment as provided in subsection (1) of this section shall make its payroll books and records available to the corporation at such reasonable times as the corporation shall request and shall file with the corporation documentation respecting the assessment as the corporation may require.

(5) Any assessment of the wages of employees of an approved company in connection with their employment at an economic development project under subsection (1) of this section shall lapse on the date the bonds are retired.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds

for the purpose of financing the approved costs of such project prior to July 1, 1994, but has issued bonds for such project prior to July 1, 1997, or in cases involving an economic development project which has been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

57-10-413. (1) Except as otherwise provided for in subsection (6) of this section, the approved company may require that each employee whose gross wages are equivalent to Five Dollars ($5.00) or more per hour, as a condition of employment, agrees to pay a job development assessment fee not to exceed a certain percentage of the gross wages of each such employee whose job was created as a result of the economic development project, for the purpose of retiring the bonds which fund the economic development project or other indebtedness. The job development assessment fee shall not exceed the following percentages of the gross wages of the employee:

(a) Two percent (2%), if the gross wages of the employee are equivalent to Five Dollars ($5.00) or more per hour but less than Seven Dollars ($7.00) per hour;

(b) Four percent (4%), if the gross wages of the employee are equivalent to Seven Dollars ($7.00) or more per hour but less than Nine Dollars ($9.00) per hour; and

(c) Six percent (6%), if the gross wages of the employee are equivalent to Nine Dollars ($9.00) or more per hour.

(2) Each employee so assessed shall be entitled to credits against Mississippi income taxes as provided in Section 27-7-22.3.

(3) If an approved company shall elect to impose the assessment as a condition of employment, it shall deduct the assessment from each paycheck of each employee.

(4) Any approved company collecting an assessment as provided in subsection (1) of this section shall make its payroll books and records available to the corporation at such reasonable times as the corporation shall request and shall file with the corporation documentation respecting the assessment as the corporation may require.

(5) Any assessment of the wages of employees of an approved company in connection with their employment at an economic development project under subsection (1) of this section shall lapse on the date the bonds are retired.

(6) If an eligible company closes a facility in this state and becomes an approved company under the provisions of Sections 57-10-401 through 57-10-449, only those jobs created in excess of those that existed at the closed facility at the time of the closure shall be eligible for the imposition of the job development assessment fee. The Mississippi Business Finance Corporation shall promulgate rules and regulations to govern the

determination of the number of jobs upon which the job development assessment fee may be imposed.

SECTION 8. Section 57-10-415, Mississippi Code of 1972, is reenacted as follows:

57-10-415. Every issue of bonds under Sections 57-10-401 through 57-10-445 shall be payable solely out of any revenues of the corporation as provided in Sections 57-10-401 through 57-10-445. The bonds additionally may be secured by a pledge of any grant, contribution or guarantee from the federal government or any person or a pledge by the corporation of any revenues from any source.

SECTION 9. Section 57-10-417, Mississippi Code of 1972, is reenacted as follows:

57-10-417. The bonds issued by the corporation under Sections 57-10-401 through 57-10-445 shall be limited obligations of the corporation and shall not constitute a debt, liability or general obligation of the state or any political subdivision thereof (other than the corporation), or a pledge of the faith and credit of the state or any political subdivision thereof (other than the corporation), but shall be payable solely as provided by the corporation under Sections 57-10-401 through 57-10-445. No member or officer of the board of directors of the corporation nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. Each bond issued under Sections 57-10-401 through 57-10-445 shall contain on the face

thereof a statement that neither the state, nor any other political subdivision thereof, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenue or money pledged by the corporation and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bond.

SECTION 10. Section 57-10-419, Mississippi Code of 1972, is reenacted as follows:

57-10-419. (1) The corporation may issue in its own name, from time to time, for the purpose of financing the approved costs of an economic development project, its bonds and may pledge for the payment thereof funds derived in respect of any financing agreement or other arrangement entered into by the corporation and an approved company under Sections 57-10-401 through 57-10-445.

(2) In anticipation of the issuance of bonds, the corporation may provide for the issuance, at one time or from time to time, of bond anticipation notes. The principal of and the interest on the notes shall be payable solely from the funds herein provided for the payment. Any notes may be made payable from the proceeds of bonds or renewal notes; or, if bond or renewal note proceeds are not available, the notes may be paid from any available revenues or assets of the corporation.

(3) The bonds issued under Sections 57-10-401 through 57-10-445 shall be authorized by a resolution of the corporation,

shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than twenty-five (25) years from the date of issue. Bonds which are not subject to taxation shall bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption before maturity, as such resolution may provide. Except as expressly provided otherwise in Sections 57-10-401 through 57-10-445, the provisions of other laws of the state relating to the issuance of revenue bonds shall not apply to bonds issued by the corporation. As to bonds issued hereunder and designated as taxable bonds by the corporation, any immunity to taxation by the United States government of interest on such bonds or notes is hereby waived. Bonds of the corporation may be sold by the corporation at public or private sale, from time to time, and at such price or prices as the corporation shall determine.

(4) The proceeds of any bonds shall be used solely for the purposes for which issued and shall be disbursed in the manner and under the restrictions, if any, that the corporation may provide in the resolution authorizing the issuance of the bonds or in a trust indenture securing the same.

(5) The principal and interest on the bonds issued by the corporation shall be payable solely and only from proceeds derived

under a financing agreement and shall be secured solely by the economic development project, the proceeds of the financing agreement, and such other assets as may be available, but not including revenues of the state.

(6) Before the preparation of definitive certificates evidencing the bonds, the corporation may issue, under like restrictions, interim receipts or temporary certificates, with or without coupons, exchangeable for definitive certificates when the certificates have been executed and are available for delivery. The corporation may also provide for the replacement of any certificates which become mutilated or are destroyed or lost.

SECTION 11. Section 57-10-421, Mississippi Code of 1972, is reenacted as follows:

57-10-421. In addition to the requirements provided for in Section 57-10-419, any resolution authorizing the issuance of bonds under Sections 57-10-401 through 57-10-445 may contain provisions as to:

(a) The setting aside of reserves or sinking funds and the regulations and disposition thereof;

(b) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;

(c) The procedure, if any, by which the terms of any of the proceedings under which the bonds are being issued may be amended or abrogated, the number or percentage of bondholders who

or which must consent thereto, and the manner in which the consent may be given;

(d) The vesting in a trustee or trustees of such property, rights, powers and duties in trust as the company may determine, and limiting or abrogating the right of bondholders to appoint a trustee or limiting the rights, powers and duties of the trustee;

(e) Defining the act or omissions to act which shall constitute a default and the obligations or duties of the corporation to the holders of the bonds, and providing for the rights and remedies of the holders of the bonds in the event of default, which rights and remedies may include the general laws of the state and other provisions of Sections 57-10-401 through 57-10-445; or

(f) Any other matter, of like or different character, which in any way affects the security or protection of the holders of the bonds.

SECTION 12. Section 57-10-423, Mississippi Code of 1972, is reenacted as follows:

57-10-423. Any pledge made by the corporation shall be valid and binding from the time when the pledge was made. The revenues or properties so pledged and thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against

all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

SECTION 13. Section 57-10-425, Mississippi Code of 1972, is reenacted as follows:

57-10-425. The corporation, subject to the provisions in proceedings relating to outstanding bonds as may then exist, may purchase bonds out of any funds available therefor, which shall thereupon be canceled, at any reasonable price which, if the bonds are then redeemable, shall not exceed the redemption price (and premium, if any) then applicable plus accrued interest to the redemption date thereof.

SECTION 14. Section 57-10-427, Mississippi Code of 1972, is reenacted as follows:

57-10-427. The bonds may be secured by an indenture by and between the corporation and a corporate trustee which may be any bank or other corporation having the power of a trust company or any trust company within or without this state. Such indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the corporation in relation to the exercise of its powers and the custody, safekeeping and application of all money. The corporation may provide by the indenture for the

payment of the proceeds of the bonds and revenues to the trustee under the indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the corporation may determine. If the bonds shall be secured by an indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

SECTION 15. Section 57-10-429, Mississippi Code of 1972, is reenacted as follows:

57-10-429. In the event that any of the members or officers of the board of directors of the corporation shall cease to be members or officers of the board prior to the delivery of any bonds signed by them, their signatures or facsimiles thereof shall nevertheless be valid and sufficient for all purposes, the same as if such members or officers had remained in office until such delivery.

SECTION 16. Section 57-10-431, Mississippi Code of 1972, is reenacted as follows:

57-10-431. The corporation may create and establish such funds and accounts as may be necessary or desirable for its purposes under Sections 57-10-401 through 57-10-445.

SECTION 17. Section 57-10-433, Mississippi Code of 1972, is reenacted as follows:

57-10-433. The corporation shall have the power to contract with the holders of any of its bonds issued under Sections 57-10-401 through 57-10-445 as to the custody, collection,

securing, investment and payment of any money of the corporation, and of any money held in trust or otherwise for the payment of bonds, and to carry out such contract. Money held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of money may be secured in the same manner as money of the corporation, and all banks and trust companies are authorized to give security for the deposits.

SECTION 18. Section 57-10-435, Mississippi Code of 1972, is reenacted as follows:

57-10-435. Amendments to Sections 57-10-401 through 57-10-445, enacted after July 1, 1993, shall not limit the rights vested in the corporation with respect to any agreements made with, or remedies available to, the holders of bonds issued under this article or Section 27-7-22.3 prior to the enactment of the amendments until the bonds, together with all interest thereon, and all costs and expenses in connection with any proceeding by or on behalf of the holders, are fully met and discharged.

SECTION 19. Section 57-10-437, Mississippi Code of 1972, is reenacted as follows:

57-10-437. All expenses incurred by the corporation in carrying out the provisions of Sections 57-10-401 through 57-10-445 shall be payable solely from funds provided under Sections 57-10-401 through 57-10-445, or other funds of the corporation. Nothing in Sections 57-10-401 through 57-10-445 shall be construed to authorize the corporation to incur

indebtedness or liability on behalf of or payable by the state or any other political subdivision thereof.

SECTION 20. Section 57-10-439, Mississippi Code of 1972, is reenacted as follows:

57-10-439. (1) The corporation is hereby declared to be performing a public function and to be a public body corporate and a political subdivision of the state. Accordingly, the income, including any profit made on the sale thereof from all bonds issued by the corporation, shall at all times be exempt from all taxation by the state or any political subdivision thereof. If, after all indebtedness and other obligations of the corporation are discharged, the corporation is dissolved, its remaining assets shall inure to the benefit of the state.

(2) With the approval of the appropriate local taxing authority, all mortgages or deeds of trust executed as security therefor, all lease or purchase agreements made pursuant to the provisions hereof, and all purchases required to establish the industrial enterprise and financed by proceeds from bonds issued under Sections 57-10-401 through 57-10-445, shall likewise be exempt from all taxation in the State of Mississippi except the contractors' tax imposed by Section 27-65-21 and the tax levied by Section 27-65-24(1)(b), and except ad valorem taxes levied for school district purposes. All projects and the revenue derived therefrom from any lease thereof shall be exempt from all taxation in the State of Mississippi, except the tax levied by Sections

27-65-21 and 27-65-24(1)(b), except the tax levied under Chapter 7, Title 27, Mississippi Code of 1972, and except ad valorem taxes levied for school district purposes.

SECTION 21. Section 57-10-441, Mississippi Code of 1972, is reenacted as follows:

57-10-441. The bonds issued by and under the authority of Sections 57-10-401 through 57-10-445 by the corporation are declared to be legal investments in which all public officers or public bodies of the state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on insurance business, all banks, bankers, banking associations, trust companies, savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons who are now or may later be authorized to invest in bonds or in other obligations of the state, may invest funds, including capital, in their control or belonging to them. Such bonds are also hereby made securities which may be deposited with and received by all public officers and bodies of the state or any agency or political subdivision of the state and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the state is now or may be later authorized by law.

SECTION 22. Section 57-10-443, Mississippi Code of 1972, is reenacted as follows:

57-10-443. The corporation, within one hundred twenty (120) days of the close of each fiscal year, shall submit an annual report of its activities in regard to Sections 57-10-401 through 57-10-445 for the preceding year to the Governor. The Clerk of the House of Representatives and the Secretary of the Senate each shall receive a copy of the report by making a request for it to the corporation. Each report shall set forth a complete operating and financial statement in regard to Sections 57-10-401 through 57-10-445 for the corporation during the fiscal year it covers.

SECTION 23. Section 57-10-445, Mississippi Code of 1972, is reenacted as follows:

57-10-445. Nothing contained in Sections 57-10-401 through 57-10-445 is to be construed as a restriction or limitation upon any powers which the corporation might otherwise have under any other law of the state. Insofar as the provisions of Sections 57-10-401 through 57-10-445 are inconsistent with the provisions of any other law, the provisions of Sections 57-10-401 through 57-10-445 shall be controlling, and the powers conferred by Sections 57-10-401 through 57-10-445 shall be regarded as supplemental and additional to powers conferred by any other laws. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument or the security therefor, except as provided in Sections 57-10-401 through 57-10-445.

The provisions of Sections 57-10-401 through 57-10-445 shall be liberally construed to accomplish the purposes of Sections 57-10-401 through 57-10-445.

The powers granted and the duties imposed in Sections 57-10-401 through 57-10-445 shall be construed to be independent and severable. If any one or more sections, subsections, sentences or parts of any of Sections 57-10-401 through 57-10-445 shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

SECTION 24. Section 57-10-447, Mississippi Code of 1972, is reenacted as follows:

57-10-447. No elected or appointed official shall derive any pecuniary benefit, directly or indirectly, as a result of such elected or appointed official's duties under Sections 57-10-401 through 57-10-445. Any member of the Legislature, any elected or appointed official, any member of the immediate family of a member of the Legislature, or any partner or associate of such a member of the Legislature or elected or appointed official, shall not derive any income from the issuance of any bonds under Sections 57-10-401 through 57-10-445, contrary to the provisions of Section 109, Mississippi Constitution of 1890, or Article 3, Chapter 4, Title 25, Mississippi Code of 1972. The provisions of this section shall not apply to any person performing clerical or

administrative functions, which are other than legal services provided by an attorney, that are associated with the issuance of any bonds under Sections 57-10-401 through 57-10-445, such as the printing of bonds or other materials. Any person convicted of a violation of this section shall be punished by imprisonment for not less than one (1) year and not more than five (5) years and a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) and not more than Ten Thousand Dollars ($10,000.00).

SECTION 25. Section 27-7-22.3, Mississippi Code of 1972, is reenacted as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

27-7-22.3. (1) For taxpayers who are required to pay a job assessment fee as provided in Section 57-10-413, there shall be allowed as a credit against the taxes imposed by this chapter, an amount equal to the amount of the job assessment fee imposed upon such taxpayer pursuant to Section 57-10-413. If the amount allowable as a credit exceeds the tax imposed by this article and Section 27-7-22.3, the amount of such excess shall not be refundable or carried forward to any other taxable year.

(2) For any approved company as defined in Section 57-10-401, there shall be allowed against the taxes imposed by this chapter on the income of the approved company generated by or

arising out of the economic development project (as defined in Section 57-10-401), a credit in an amount not to exceed the total debt service paid under a financing agreement entered into under Section 57-10-409. The tax credit allowed in this subsection shall not exceed the amount of taxes due the State of Mississippi.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, but has issued bonds for such project prior to July 1, 1997, or in cases involving an economic development project which has been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

27-7-22.3. (1) For taxpayers who are required to pay a job assessment fee as provided in Section 57-10-413, there shall be allowed as a credit against the taxes imposed by this chapter, an amount equal to the amount of the job assessment fee imposed upon such taxpayer pursuant to Section 57-10-413. If the amount allowable as a credit exceeds the tax imposed by this article and Section 27-7-22.3, the amount of such excess shall not be refundable or carried forward to any other taxable year.

(2) For any approved company as defined in Section 57-10-401, there shall be allowed against the taxes imposed by this chapter on the income of the approved company generated by or

arising out of the economic development project (as defined in Section 57-10-401), a credit in an amount not to exceed the total debt service paid under a financing agreement entered into under Section 57-10-409. The tax credit allowed in this subsection shall not exceed the amount of taxes due the State of Mississippi. The amount of income of the approved company generated by or arising out of the economic development project shall be determined by a formula adopted by the Mississippi Business Finance Corporation.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1997, or in cases involving an economic development project which has not been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

27-7-22.3. For any approved company as defined in Section 57-10-401, there shall be allowed against the taxes imposed by this chapter on the income of the approved company generated by or arising out of the economic development project (as defined in Section 57-10-401), a credit in an amount not to exceed the total debt service paid under a financing agreement entered into under Section 57-10-409; provided, however, that the tax credit allowed in this subsection shall not exceed eighty percent (80%) of the

amount of taxes due the State of Mississippi prior to the application of the credit. To the extent that financing agreement annual payments exceed the amount of the credit authorized pursuant to this section in any taxable year, such excess payment may be recouped from excess credits in succeeding years not to exceed three (3) years following the date upon which the credit was earned. The amount of income of the approved company generated by or arising out of the economic development project shall be determined by a formula adopted by the Mississippi Business Finance Corporation.

SECTION 26. Section 57-10-449, Mississippi Code of 1972, is amended as follows:

57-10-449. Sections 57-10-401 through * * * 57-10-447 and 27-7-22.3 shall be repealed from and after October 1, * * * 2025.

SECTION 27. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 2885

Description: Partnership between Energy High School Academy and Vicksburg Warren and Claiborne school districts; extend date of repeal on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2022

History of Actions:

1	01/17	(S) Referred To Education; Appropriations
2	01/26	(S) DR - TSDP: ED To AP
3	01/27	(S) Title Suff Do Pass
4	02/03	(S) Passed {Vote}
5	02/07	(S) Transmitted To House
6	02/08	(H) Referred To Education; Appropriations
7	02/24	(H) DR - TSDPAA: ED To AP
8	03/01	(H) DR - TSDPAA: AP To ED
9	03/01	(H) Title Suff Do Pass As Amended
10	03/08	(H) Read the Third Time
11	03/09	(H) Amended
12	03/09	(H) Passed As Amended {Vote}
13	03/11	(H) Returned For Concurrence
14	03/16	(S) Decline to Concur/Invite Conf
15	03/17	(S) Motion to Reconsider Entered
16	03/17	(S) Reconsidered
17	03/17	(S) Concurred in Amend From House {Vote}
18	03/21	(S) Enrolled Bill Signed
19	03/21	(H) Enrolled Bill Signed
20	03/26	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2885

Code Section: R 037-0069-0001, R 037-0069-0003, R 037-0069-0005, R 037-0069-0007

----- Additional Information -----

Senate Committee: Education, Appropriations
House Committee: Education, Appropriations

Principal Author: DeBar

Title: AN ACT TO REENACT SECTIONS 37-69-1, 37-69-3, 37-69-5, 37-69-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PROVISIONS THAT AUTHORIZE THE BOARD OF TRUSTEES OF THE VICKSBURG-WARREN SCHOOL DISTRICT AND THE CLAIBORNE COUNTY BOARD OF EDUCATION TO ESTABLISH WITH THE ENERGY INDUSTRY LOCATED WITHIN THE STATE OF MISSISSIPPI, WARREN COUNTY AND THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR AN ENERGY HIGH SCHOOL ACADEMY AND THAT PRESCRIBE THE MEMBERSHIP OF THE ENERGY HIGH SCHOOL ACADEMY PARTNERSHIP COUNCIL TO ADMINISTER THE ACADEMY; TO AMEND SECTION 5, CHAPTER 482, LAWS OF 2019 TO EXTEND THE DATE OF REPEAL ON SECTIONS 37-69-1, 37-69-3, 37-69-5 AND 37-69-7, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) DeBar

To: Education; Appropriations

SENATE BILL NO. 2885
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 37-69-1, 37-69-3, 37-69-5, 37-69-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PROVISIONS THAT AUTHORIZE THE BOARD OF TRUSTEES OF THE VICKSBURG-WARREN SCHOOL DISTRICT AND THE CLAIBORNE COUNTY BOARD OF EDUCATION TO ESTABLISH WITH THE ENERGY INDUSTRY LOCATED WITHIN THE STATE OF MISSISSIPPI, WARREN COUNTY AND THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR AN ENERGY HIGH SCHOOL ACADEMY AND THAT PRESCRIBE THE MEMBERSHIP OF THE ENERGY HIGH SCHOOL ACADEMY PARTNERSHIP COUNCIL TO ADMINISTER THE ACADEMY; TO AMEND SECTION 5, CHAPTER 482, LAWS OF 2019 TO EXTEND THE DATE OF REPEAL ON SECTIONS 37-69-1, 37-69-3, 37-69-5 AND 37-69-7, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-69-1, Mississippi Code of 1972, is reenacted as follows:

37-69-1. This chapter shall be known as "The Energy Academy Act."

SECTION 2. Section 37-69-3, Mississippi Code of 1972, is reenacted as follows:

37-69-3. **Intent.** The intent of the Legislature is to provide an opportunity for motivated students to participate in a curriculum that will prepare them for a career of employment in the energy industry in their home state.

SECTION 3. Section 37-69-5, Mississippi Code of 1972, is reenacted as follows:

37-69-5. **Definitions.** For purposes of this chapter:

(a) "The Board of Trustees" means the Board of Trustees of the Vicksburg-Warren School District.

(b) "The Board of Education" means the Claiborne County Board of Education.

(c) "Nuclear Facility" means any nuclear generating plant in the State of Mississippi.

(d) "Energy Academy" means an energy high school created under this chapter.

(e) "Partnership Council" means the Energy High School Academy Partnership Council.

(f) "MDA" means the Mississippi Development Authority.

SECTION 4. Section 37-69-7, Mississippi Code of 1972, is reenacted as follows:

37-69-7. (1) The Board of Trustees of the Vicksburg-Warren School District and the Claiborne County Board of Education are authorized to make application to the Mississippi Development Authority for the approval of entering into a Memorandum of Understanding with a nuclear facility and Warren County and the State of Mississippi for the establishment of a partnership for the operation of an Energy High School Academy. The purpose of the Energy High School Academy shall be to provide qualified students attending school in Warren and/or Claiborne County in the

eighth through twelfth grade with career education, potential student internships and continuing education for careers in the energy industry.

(2) (a) The Energy High School Academy shall be under the administrative direction of the Energy High School Academy Partnership Council (Partnership Council) consisting of one (1) member from each of the following entities:

(i) The Chief Executive Officer of an enterprise engaged in the generation of nuclear energy located in Claiborne County, or his designee, who shall serve for four (4) years;

(ii) The superintendent of the Vicksburg-Warren School District, who shall serve for four (4) years;

(iii) The superintendent of the Claiborne County School District, who shall serve for four (4) years;

(iv) A designee of the Mississippi Development Authority, appointed by the executive director of MDA, and * * * who may be the executive director, who shall serve three (3) years;

(v) A member of the Board of Trustees of the Vicksburg-Warren School District, appointed by the Vicksburg Mayor and Board of Alderman, who shall serve two (2) years;

(vi) A member of the Claiborne County Board of Education, appointed by the Claiborne County Board of Supervisors, who shall serve two (2) years;

(vii) A member of the Claiborne County Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one (1) year; and

(viii) A member of the Vicksburg Chamber of Commerce, appointed by the chairman of the board of directors, who may appoint himself or herself, and who shall serve one (1) year.

(b) Members of the Partnership Council shall serve staggered terms, as prescribed in paragraph (a) of this subsection, commencing with the initial appointments made in 2019, and shall thereafter, upon the expiration of the initial term, the succeeding appointees shall serve a term of four (4) years. Members of the council may be reappointed to the council by the original appointing authority without limitation on the number of terms served. In the event of a vacancy on the council, the original appointing authority shall appoint a replacement to complete the unexpired term of the member creating the vacancy.

(c) The Partnership Council shall meet on or before August 1, 2019, and organize for business, elect officers and adopt necessary regulations for the operation of the Energy High School Academy. Meetings shall be held upon the call of the chairman.

(3) The Energy High School Academy Partnership Council shall promulgate administrative rules and regulations to prescribe the criteria to be used in the establishment of the Energy High School

Academy, which shall include student qualifications, application requirements and curriculum components.

(4) (a) There is established in the State Treasury a fund to be known as the "Energy High School Academy Fund." The purpose of the fund is to provide necessary financial support to Vicksburg-Warren/Claiborne County School Districts and the Mississippi Development Authority for start-up costs and costs associated with implementing and operating the Energy Academy established under this section. The fund may consist of monies obtained from grants from any public or private source. The Mississippi Development Authority shall administer the fund pursuant to appropriation by the Legislature, and may apply for any grants from the federal government or private sources.

(b) The Mississippi Development Authority shall prepare a three-year budget proposal for the operation of the Energy Academy which shall include staff and liaison salary estimates, equipment and facility costs and job demand estimates. This budget shall be submitted to the Governor, the Legislative Budget Office and the Partnership Council and updated annually.

SECTION 5. Section 5, Chapter 482, Laws of 2019, is amended as follows:

Section 5. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after July 1, * * * 2025.

SECTION 6. This act shall take effect and be in force from and after July 1, 2022.

Mississippi Legislature
2022 Regular Session

Senate Bill 3150

Description: Bonds; increase amount authorized for Hinds County Development Project Loan Fund, and allow use for additional improvements.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	02/21	(S) Referred To Finance
2	02/22	(S) Title Suff Do Pass
3	02/23	(S) Passed {Vote}
4	02/24	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/14	(H) Title Suff Do Pass
7	03/15	(H) Passed {Vote}
8	03/16	(H) Returned For Enrolling
9	03/17	(S) Enrolled Bill Signed
10	03/17	(H) Enrolled Bill Signed
11	03/22	Approved by Governor

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Frazier
Additional Authors: Horhn

Title: AN ACT TO AMEND SECTION 10, CHAPTER 567, LAWS OF 2013, AS AMENDED BY SECTION 1, CHAPTER 437, LAWS OF 2020, TO INCREASE BY $20,000,000.00 THE AMOUNT OF BONDS AUTHORIZED TO BE ISSUED FOR THE HINDS COUNTY DEVELOPMENT PROJECT LOAN FUND; TO AUTHORIZE MONEY IN THE FUND TO BE UTILIZED AS A LOAN TO HINDS COUNTY, MISSISSIPPI, TO ASSIST IN FUNDING INFRASTRUCTURE IMPROVEMENTS, INCLUDING DEVELOPMENT AND CONSTRUCTION OF A STRUCTURED PARKING FACILITY, AND OTHER IMPROVEMENTS ASSOCIATED WITH A CERTAIN ENTERTAINMENT DEVELOPMENT PROJECT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2022

By: Senator(s) Frazier, Horhn To: Finance

SENATE BILL NO. 3150

AN ACT TO AMEND SECTION 10, CHAPTER 567, LAWS OF 2013, AS AMENDED BY SECTION 1, CHAPTER 437, LAWS OF 2020, TO INCREASE BY $20,000,000.00 THE AMOUNT OF BONDS AUTHORIZED TO BE ISSUED FOR THE HINDS COUNTY DEVELOPMENT PROJECT LOAN FUND; TO AUTHORIZE MONEY IN THE FUND TO BE UTILIZED AS A LOAN TO HINDS COUNTY, MISSISSIPPI, TO ASSIST IN FUNDING INFRASTRUCTURE IMPROVEMENTS, INCLUDING DEVELOPMENT AND CONSTRUCTION OF A STRUCTURED PARKING FACILITY, AND OTHER IMPROVEMENTS ASSOCIATED WITH A CERTAIN ENTERTAINMENT DEVELOPMENT PROJECT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 10, Chapter 567, Laws of 2013, as amended by Section 1, Chapter 437, Laws of 2020, is amended as follows:

Section 10. (1) As used in this act:

(a) "Accreted value" of any bond means, as of any date of computation, an amount equal to the sum of the stated initial value of the bond, plus the interest accrued on the bond from the issue date to the date of computation at the rate, compounded semiannually, that is necessary to produce the approximate yield to maturity shown for bonds of the same maturity.

(b) "Commission" means the State Bond Commission.

(c) "County" means Hinds County, Mississippi.

(d) "State" means the State of Mississippi.

(2) (a) (i) There is created in the State Treasury a special fund to be known as the "Hinds County Development Project Loan Fund." The fund shall be maintained by the State Treasurer as a special fund, separate and apart from the State General Fund. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the special fund shall be deposited to the credit of the special fund. Monies in the special fund may not be used or expended for any purpose except as provided in this subsection.

(ii) Money deposited into the special fund shall be disbursed, in the discretion of the Mississippi Development Authority, to provide loans to the county to be utilized by the county:

1. To assist in the construction of a hotel in the county with at least two hundred (200) guest rooms, an associated parking garage and related improvements; and

2. To assist in the development and construction of infrastructure improvements, including a structured parking facility, and other improvements associated with an entertainment development project.

(b) The county may apply to the Mississippi Development Authority for a loan under this section. The proceeds of the loan

shall be utilized by the county for the purposes provided for in paragraph (a)(ii) of this subsection.

(c) (i) The Mississippi Development Authority may require county participation or funding from other sources.

(ii) The rate of interest on loans made under this section shall be at the true interest cost on the most recent issue of twenty-year state general obligation bonds occurring prior to the date such loan is made.

(d) If the county receives a loan under this section, the county shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77, and any revenue generated for the county by a project funded by a loan made pursuant to this act. The loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments, as set forth in the loan agreement. The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of issuance.

(e) Loan payments of the county shall be deposited into the bond sinking fund created in subsection (4) of this section.

(f) If the loan payments of the county appear to be in arrears, the State Auditor, upon request of the Mississippi Development Authority, shall audit the receipts and expenditures of the county, and if he finds that the county is in arrears in such payments, he shall immediately notify the Executive Director

of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 until such time as the county is again current in its loan payments as certified by the Mississippi Development Authority.

(g) Evidences of indebtedness which are issued pursuant to this act shall not be deemed indebtedness of the county within the meaning specified in Section 19-9-5.

(3) In administering the provisions of this act, the Mississippi Development Authority shall have the following powers and duties:

(a) To supervise the use of all funds made available under this act;

(b) To review and certify that the funds that are made available under this act are utilized as authorized under this act;

(c) To requisition money in the Hinds County Development Project Loan Fund and distribute it in accordance with the provisions of this act;

(d) To maintain an accurate record of all funds made available to the county under this act; and

(e) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this act.

(4) (a) For the purposes of providing for the payment of the principal of and interest on bonds issued under this section, there is created in the State Treasury a special fund to be known as the "Hinds County Development Project Loan Fund Bond Sinking Fund." The bond sinking fund shall consist of monies deposited into the fund by the county for repayment of loans issued under this act, and such other amounts as may be paid into the bond sinking fund by appropriation or other authorization by the Legislature. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund.

(b) At any time when the funds required to pay the principal of and interest on the bonds issued under this act are more than the amounts available in the bond sinking fund, the Legislature shall appropriate the balance of the amount necessary to pay the principal of and interest on the bonds issued under this act from the State General Fund.

(c) The total amount of all payments deposited into the bond sinking fund until the maturity date of the bonds authorized under this act shall be in an amount sufficient to retire the bonds.

(5) (a) The Mississippi Development Authority, at one time, or from time to time, may declare by resolution the necessity for

issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in subsection (2) of this section. Upon the adoption of a resolution by the Mississippi Development Authority declaring the necessity for the issuance of any part or all of the bonds authorized by this section, the Mississippi Development Authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of the resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The total amount of bonds issued under this act shall not exceed * * * Fifty Million Dollars ($50,000,000.00); however, not more than * * * Twenty Million Dollars ($20,000,000.00) of such bonds may be issued during any fiscal year.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of the bonds.

(6) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. The bonds shall bear such date or dates, be in such

denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as determined by resolution of the commission.

(7) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to the bonds may be executed by the facsimile signatures of those officers. Whenever any such bonds have been signed by the officials designated to sign the bonds who were in office at the time of the signing but who may have ceased to be those officers before the sale and delivery of the bonds, or who may not have been in office on the date that the bonds may bear, the signatures of those officers upon the bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing the bonds had remained in office until their delivery to the purchaser, or had been in office on the date the bonds may bear. However, notwithstanding anything in this act to the

contrary, the bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

(8) All bonds and interest coupons issued under the provisions of this section have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this section, the commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

(9) The commission shall act as the issuing agent for the bonds authorized under this section, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in the issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under this section from the proceeds derived from the sale of the bonds. The commission may sell the bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on the bonds so issued shall be payable semiannually or annually.

If the bonds are to be sold on sealed bids at public sale, notice of the sale of any such bonds shall be published at least

one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The commission, when issuing any bonds under the authority of this section, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

(10) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the payment thereof, the full faith and credit of the State of Mississippi is irrevocably pledged. The principal of and the interest on the bonds shall be payable primarily from the bond sinking fund created in subsection (4) of this section in the manner provided in that subsection. If the funds available in the bond sinking fund and any funds appropriated by the Legislature for those purposes are insufficient to pay the principal of and the interest on the bonds as they become due, then the amount of the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All those bonds shall contain recitals on their faces substantially covering the provisions of this section.

(11) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the

proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of the bonds shall be disbursed solely upon the order of the Mississippi Development Authority under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(12) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things that are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

(13) The bonds authorized under this section may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by those statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(14) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining to those bonds may, either at law or in equity, by suit, action, mandamus

or other proceeding, protect and enforce any and all rights granted under this section, or under the resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest on the bonds.

(15) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and the bonds shall be legal securities that may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(16) Bonds issued under the provisions of this section and income from the bonds shall be exempt from all taxation in the State of Mississippi.

(17) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(18) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the department is authorized and directed to issue those warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued

under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of those bonds in ample time to discharge the bonds, or the interest on the bonds, on the due dates thereof.

(19) This section shall be deemed to be full and complete authority for the exercise of the powers granted in this section, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

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